1983. By Mr. FULLER: Petition of the Hartford Fire Insurance Co. opposing the Fitzgerald bill (H. R. 487); to the Committee on the District of Columbia.

1984. Also, petition of H. T. Marshall and others, urging support of the Federal farm board bill; to the Committee on Agriculture.

1985. Also, petition of Walton & Spencer Co., of Chicago, Ill., and the State Bank & Trust Co., of Evanston, urging certain changes in the present postal rates; to the Committee on the Post Office and Post Roads.

1986. By Mr. GALLIVAN: Petition of United States Maimed Soldiers League, J. Orken, secretary, 501 Hurley-Wright Building, Washington, D. C., recommending early and favorable consideration of House bill 3770, which provides for increasing the pensions of those who lost limbs or have been totally disabled in the same, or have become totally blind, in the military or naval service of the Uinted States; to the Committee on Pensions.

1987. By Mr. HICKEY: Resolution unanimously adopted by the membership of the Methodist Episcopal Church, North Judson, Ind., opposing any modification of the present prohibition laws; to the Committee on the Judiciary.

1988. By Mr. LINEBERGER: Petition of Mrs. G. M. Sills and 29 other members of Rural Rest Home at Azusa, Calif., protesting against national religious legislation pending; to the Committee on the District of Columbia.

1989. Also, petition of Mr. H. E. Darby and 15 others, of Azusa, Calif., protesting against national religious legislation pending; to the Committee on the District of Columbia.

1990. By Mr. NEWTON of Minnesota: Resolution submitted by Mr. Peter Yarat relative to immigration; to the Committee on Immigration and Naturalization.

1991. Also, resolution submitted by Mr. Peter Yarat relative to immigration; to the Committee on Immigration and Naturalization.

1992. By Mr. O'CONNELL of New York: Petition of the German Society of Philadelphia, Pa., favoring the passage of Senate bills 2051, 2053, and 2260; to the Committee on Immigration and Naturalization.

1993. By Mr. PATTERSON: Resolution of Gloucester County Pomona Grange, No. 8, Patrons of Husbandry, New Jersey, protesting against the granting free of valuable franchises for motor traffic over the Philadelphia-Camden new bridge; to the Committee on Interstate and Foreign Commerce.

1994. By Mr. ROMJUE: Petition of Lee H. Padget, secretary, and Harry N. Clark, president, of Clark County (Mo.) Farm Organization, pertaining to agriculture; to the Committee on Agriculture.

1995. By Mr. SMITH: Resolution adopted by Medicine Lodge Union Sunday School, Small, Idaho, opposing any modification of the Volstead Act; to the Committee on the Judiciary.

1996. Also, petition signed by 25 residents of Twin Falls, Idaho, against compulsory Sunday observance; to the Committee on the District of Columbia.

1997. By Mr. WATSON: Resolution passed by the Pennsylvania State Fish and Game Protective Association, urging active support of Pennsylvania Representatives in Congress for favorable consideration and passage of the game refuge bill, known as H. R. 7479; to the Committee on Agriculture.

SENATE

THURSDAY, *April 29, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we are the creatures of Thy love and Thou dost certainly care for us and our interests. Sometimes we falter and fail to recognize Thy guidance, but do help us always, and incline our hearts in the way of Thy providence and Thy glory. Remember all for whom we should pray, from the President through all the varied relations of official responsibility, and give unto us more and more the joy of Thy salvation in our Nation's welfare. For Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 19, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW. and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes;

H. R. 6775. An act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America; and

H. R. 6776. An act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Sackett
Bayard	Ferris	Lenroot	Sheppard
Bingham	Fess	McKellar	Shipstead
Blease	Frazier	McKinley	Shortridge
Borah	George	McLean	Simmons
Bratton	Gillett	McMaster	Smith
Broussard	Glass	McNary	Smoot
Bruce	Goff	Mayfield	Stanfield
Butler	Gooding	Means	Steck
Cameron	Greene	Metcalf	Stephens
Caraway	Hale	Neely	Swanson
Copeland	Harreld	Norbeck	Trammell
Couzens	Harris	Norris	Underwood
Cummins	Harrison	Nye	Wadsworth
Curtis	Heflin	Oddie	Walsh
Dale	Howell	Overman	Warren
Deneen	Jones, N. Mex.	Phipps	Watson
Dill	Jones, Wash.	Pine	Weller
Edge	Kendrick	Ransdell	Wheeler
Edwards	Keyes	Reed, Mo.	Williams
Ernst	King	Robinson, Ark.	Willis

Mr. CURTIS. My colleague [Mr. CAPPER] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. McKELLAR. I desire to announce that my colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably absent from the Senate. He has a general pair with the senior Senator from Ohio [Mr. WILLIS]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. COPELAND. Mr. President, I present a paper in the nature of a memorial from some of my constituents in New York State protesting against the delay in the passage of the Civil War pension bill, which I ask may lie on the table and be inserted in the RECORD.

There being no objection, the communication was ordered to lie on the table and be printed in the RECORD, as follows:

POUGHKEEPSIE, N. Y., *April 15, 1926.*

HAMILTON FISH, Jr., *Representative.*
ROYAL S. COPELAND, *Senator.*
JAMES W. WADSWORTH, Jr., *Senator.*

DEAR SIR: It is reported here that the bill or bills for the relief of Civil War veterans and their widows have been pigeonholed. I am sure that I express the urgent wish of a large majority of our citizens, including our Society of Friends of Veterans of the Civil War of Dutchess County, in requesting that you actively urge speedy action at this term. The veterans ask, and many of our citizens join with them in an earnest appeal, that their present pensions be given the purchasing value of the pensions on May 1, 1920. Veterans of other wars have very justly been provided for. That our "boys in blue" in their old age and needy conditions should be thrown into the discard is unthinkable. There can be no question of politics. The platforms of both parties have fully recognized the Nation's obligation. It is a matter involving national honor.

Very truly yours,

C. W. H. ARNOLD,
County Judge Dutchess County.
F. J. LOVEJOY,
Treasurer Poughkeepsie Savings Bank.
JOHN J. MYLOD,
Counselor at Law.
JOSEPH A. DAUGHTON,
County Clerk Dutchess County.
GUILFORD DUDLEY,
President Fallkill National Bank.

Mr. COPELAND. I also present a letter in the nature of a petition appealing for the ratification of the so-called Lausanne treaty with Turkey, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and be printed in the RECORD, as follows:

CONSTANTINOPLE, *April 1, 1926.*

The Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.,
United States of America.

SIR: We, the undersigned representatives of American philanthropic and commercial enterprises operating in Turkey—that is to say, the American citizens most vitally concerned in Turco-American relations—have the honor to set forth below the considerations which cause us to deem indispensable the ratification by the Senate of the United States of the treaty concluded with Turkey at Lausanne, Switzerland, on August 6, 1923.

The considerations which we take the liberty of bringing to your attention are two, and may be expressed as follows:

1. The ratification of the treaty is indispensable to the regularizing of our position before the Turkish law, and the guaranteeing to us of security in our plans for the future conduct and extension of our operations. In the present uncertain circumstances our enterprises are being conducted on a day-to-day basis, and even this is possible only because of the benevolent attitude hitherto assumed toward us by the Turkish authorities, who have consented to apply the more important and immediate provisions of the unratified treaty, pending its final ratification by our Government.

As an example we cite the recent law which was passed in the Grand National Assembly of Turkey, whereby products of countries not having a commercial treaty with Turkey would be subject to 60 per cent increased duty. Because of the favorable attitude toward us taken by the Turkish Government, and which has virtually placed us in the same category as most-favored nations who have ratified the Lausanne treaty, representations through our high commissioner in a purely friendly manner succeeded in obtaining for American products exemption of the increased duty for a period of six months.

However, so long as the treaty remains unratified and its rejection remains a possibility, we can have no assurance as to the future of Turco-American relations, and consequently nothing definite and legal on which to base plans for the future of our organizations.

We feel sure that you will agree that no enterprise can be carried on with even a minimum of satisfaction so long as next week—not to mention next month and next year—is hedged about by a disconcerting uncertainty. Budgets can not be prepared; plans for the repair of equipment can not be made; the acquisition of real property can not be put through; the placing of an ordinary order for goods of American origin becomes a highly speculative proposition, with no definite tariff agreement in force; in a word, every detail of business is beset with difficulties which undermine health and efficiency.

2. The ratification of the treaty is indispensable to the securing to us of full diplomatic and consular protection whenever need therefor arises. As the situation is now, the United States is without official diplomatic representation in Turkey. The United States high commissioner in Turkey is here only by virtue of the good will of the Turkish Government; he can remain here only by cultivating that good will. So long as our interests do not conflict with any policy of the Turkish Government the high commissioner may use his good offices to protect us, or, more accurately, we do not need any protection. Once, however, there is a conflict between our interests and Turkish policy—a contingency which may easily arise at any moment in Turkey or in any other country—the high commissioner will be powerless to protect us, for in the last analysis he is himself nothing but a private individual, and the Turkish Government is under no greater obligation to heed him than to heed us. In other words, our diplomatic representative is at his post by sufferance and not by treaty right, and under these circumstances he naturally can not speak to the Turkish Government as one having authority.

To summarize, failure to ratify the treaty of Lausanne not only fails to assure us normal certainty in the conduct of our current affairs; not only leaves us without the assurance that we shall be treated, in respect to tariff rates and taxes, on the same basis as the nationals of other states enjoying most-favored-nation treatment, but deprives us of the means of communicating any grievances we might have to the local authorities through the normal means provided by international law, namely, a duly accredited diplomatic representative.

We believe that the foregoing rather elementary arguments in favor of ratification, based exclusively as they are upon considerations of advantage to American interests, should have due weight with the Senate and cause it to pause before rejecting this petition, which is signed by the persons who, with their associates, would suffer most intimately if ratification should prove to be a mistake.

We therefore do not admit that any sentimental considerations should be allowed to interfere with our legitimate interests, which are American interests, and the only tangible American interests in Turkey. At the same time we should like to add the following observations:

1. The treaty of Lausanne contains no provision which either expressly or by implication indorses or condones any past, present, or possible future act or policy of any Turkish Government.

2. This treaty contains no provisions which could embarrass any policy with reference to the Republic of Armenia, or Armenians, or any foreign government or race, which the Government of the United States might hereafter deem it expedient to formulate, nor any provision which would interfere in any way with the modification of the frontiers of the Republic aforementioned, if such modification should be found possible and desirable.

3. The treaty was concluded after, not before, the treaty concluded on July 24, 1923, between France, Great Britain, Italy, Japan, Belgium, Rumania, and Greece, on the one hand, and Turkey, on the other hand. It did not, therefore, set the example of abandonment of the capitulations, but merely followed the dictates of necessity and the traditional policy of the United States of following the lead of Europe in the Near East, just as Europe has traditionally followed the lead of the United States in the Caribbean. The treaty secures to American nationals and goods every privilege that is accorded to European nationals and goods by the said treaty of July 24, 1923. In itself the treaty is as comprehensive and complete as any single treaty as yet negotiated between the Republic of Turkey and any foreign state.

4. In addition to Turkey at least two European countries—Italy and Greece—do not recognize the right of their nationals to expatriate themselves without the consent of the state. The Government of Ottoman Empire never conceded this right to its nationals after January 19, 1869, nor did it at any time recognize and accept the American citizenship of its nationals who have become naturalized after January 19, 1869. There is thus no change in the situation existing in this respect in 1914. Moreover, the United States do not permit their nationals to expatriate themselves in time of war, a fact which proves conclusively that, even from the point of view of our own jurisprudence, this right of expatriation is dependent upon the will of the state and may consequently be withdrawn either temporarily or permanently. Is it not illogical to allow a quarrel with a foreign state to interfere with the protection of legitimate American interests, when that quarrel is over a highly debatable point of whether that foreign state may exercise in toto a right which the United States exercise in parte?

In January of this year a petition was sent to the chairman of the Senate Committee on Foreign Relations, bearing the signatures of nearly all the adult Americans in Turkey, and asking that the Senate should ratify the treaty at the earliest possible moment. We repeat this request and urge the ratification of the treaty of Lausanne with Turkey because such ratification is necessary to protection and expansion of American interests of all sorts in this country; because ratification is perfectly consistent with recent and current events in Turkey; and because such ratification will deprive the United States of no opportunity to take full and immediate advantage of any change in the treaty rights of foreign nationals in Turkey which may hereafter occur. We bespeak your vote and influence in favor of ratification at the earliest practicable date.

Respectfully submitted.

J. R. AGNEW,
Manager American Express Co.
CHARLES T. RIGGS,
American Board of Foreign Missions.
ELIZABETH B. MAYSTON
(For American Staff, Young Women's Christian Association).
KATHRYN NEWELL ADAMS,
President Constantinople College for Women.
NELSON J. DAWSON,
Secretary American Chamber of Commerce.
W. H. DAY,
Standard Commercial Trading Corporation.
G. H. HUNTINGTON,
Vice President Robert College.
C. W. CAMPBELL,
Manager Standard Oil Co. of New York.
LEWIS HECK,
Manager Edgar B. Howard, Regd.
H. T. BAKER
(For American Staff, Young Men's Christian Association).
T. B. STERN,
Liggett & Myers Tobacco Co.
P. E. KING,
Lorillard Tobacco Co.

Mr. ROBINSON of Arkansas presented petitions numerously signed by sundry citizens of Garland, Lawrence, Clark, Montgomery, and Pike Counties in the State of Arkansas, favoring the passage of legislation requiring the registration of all aliens, which were referred to the Committee on Immigration.

Mr. WATSON presented papers in the nature of memorials from the department of conservation, division of entomology, of the State of Indiana, protesting against the passage of House bill 39, known as the corn sugar bill, stating objections to the proposed legislation from beekeepers of Indiana, which were referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented the memorial of S. J. Martin and 49 other citizens of Westhope, N. Dak., protesting against any modification of the Volstead Act, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. MEANS (for Mr. CAPPER), from the Committee on Claims, to which was referred the bill (S. 255) for the relief of Rosa E. Plummer, reported it without amendment and submitted a report (No. 696) thereon.

Mr. MEANS also, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 1540) for the relief of Luther H. Phipps (Rept. No. 697); and

A bill (H. R. 1669) for the relief of Neffs' Bank, of McBride, Mich. (Rept. No. 698).

Mr. GOFF, from the Committee on Claims, to which was referred the bill (S. 3715) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa., reported it without amendment and submitted a report (No. 699) thereon.

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2090) for the relief of Alfred F. Land (Rept. No. 700); and

A bill (H. R. 5726) for the relief of Jane Coates, widow of Leonard R. Coates (Rept. No. 701).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2188) for the relief of G. C. Allen, reported it with amendments and submitted a report (No. 702) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2933) for the relief of H. R. Butcher, reported it without amendment and submitted a report (No. 703) thereon.

He also, from the same committee, to which was referred the bill (S. 100) for the relief of the Union Shipping & Trading Co. (Ltd.), submitted an adverse report (No. 710) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 2094) for the relief of C. P. Dryden, reported it without amendment and submitted a report (No. 704) thereon.

Mr. NYE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2385) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property (Rept. No. 705);

A bill (S. 3975) for the relief of the owners of the barge *McIlvane No. 1* (Rept. No. 706); and

A bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak. (Rept. No. 707).

Mr. FESS, from the Committee on Printing, to which was referred the concurrent resolution (H. Con. Res. 23) authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence, reported it without amendment and submitted a report (No. 708) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 2189) for the relief of W. B. de Yampert, reported it without amendment and submitted a report (No. 709) thereon.

Mr. WILLIS, from the Committee on Commerce, to which was referred the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, reported it without amendment and submitted a report (No. 711) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, reported it without amendment and submitted a report (No. 712) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 3039) to provide a water system for the Indians living at the Dresslerville Indian colony near Gardnerville, Nev., reported it without amendment and submitted a report (No. 713) thereon.

He also, from the same committee, to which was referred the bill (S. 3981) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians, reported it with an amendment and submitted a report (No. 714) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes, reported it with an amendment and submitted a report (No. 715) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEANS:

A bill (S. 4123) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. FRAZIER:

A bill (S. 4124) to amend the World War veterans' act, 1924, approved June 7, 1924, as amended; to the Committee on Finance.

By Mr. DILL:

A bill (S. 4125) to amend section 200 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 4127) to permit American citizens to take alien property by devise or gift; to the Committee on the Judiciary.

By Mr. BUTLER:

A bill (S. 4128) granting a pension to John Albert Fritz (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4129) granting a pension to Bertha S. Newton; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4130) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy; to the Committee on Naval Affairs.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 104) authorizing the Secretary of the Interior to call a Pan Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; to the Committee on Territories and Insular Possessions.

REGULATION OF IMPORTATION OF DAIRY PRODUCTS

Mr. LENROOT. I introduce the bill which I send to the desk and ask that it may be read by title and referred to the Committee on Agriculture and Forestry.

The bill (S. 4126) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health was read twice by its title.

Mr. LENROOT. I ask unanimous consent to make a very brief statement regarding the bill, as it is of very great importance to the dairy industry of the country.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. LENROOT. Mr. President, the purpose of this bill is to require foreign producers of milk and cream to exert as much care with their dairy herds and in producing and handling the milk and cream that they offer for import into the United States as is required of dairy farmers supplying our eastern centers, such as New York City. A few weeks ago I called attention to the distress of our dairy farmers as a result of the flood of imported milk and cream, which in 1925 came into this country in greater volume than ever before. At that time I asked and the Senate voted to direct the United States Tariff Commission to begin immediately a cost-finding investigation, with a view to some changes in the existing tariff rates on milk and cream. Since then leaders of the National Cooperative Milk Producers' Federation have been in conference with me and have pointed out that the farmers whom they represent are required to produce milk and cream under conditions of greater surveillance and stricter sanitary requirements than are required of the farmers in Canada.

The production and handling of milk and cream in the territories supplying our great cities is a very expensive and complicated undertaking, and practically all of the larger centers now have regulations which have put our farmers to great

expense. The farmers generally have cheerfully complied with these requirements, although doing so has added materially to the cost of producing fluid milk and cream. As an instance of this, the dairy farmers in southern Wisconsin within the past few months have been qualifying to meet the rigid tuberculin test which is now enforced for every drop of milk and cream entering the city of Chicago for fluid consumption.

My bill does not set up requirements equal to the strictest now in force in some parts of the United States. I have endeavored to put into it reasonable requirements, taking into consideration the actual condition of the dairy industry. In the main the bill follows the New York State Sanitary Code, but in some respects follows the sanitary code of the city of New York. I feel quite sure that there is in it no requirement which should not be lived up to by every foreign producer or importer of milk and cream.

I have been advised that at the present time the health authorities of the city of New York are having some difficulty in enforcing their regulations because of the failure of the Federal Government to establish comparable sanitary legislation governing imports, in order to protect our citizens. At some points on our border it is easy for persons purchasing imported milk and cream to take the tags off the cans and commingle this product with domestically produced milk and cream which has been produced on farms in the United States under conditions conforming to State and city regulations. In this way the identity of the foreign milk is lost, and it is a difficult matter for health authorities to enforce their standards.

I have been informed that many of the farms in Canada now supplying our eastern markets do not produce milk and cream to compare with the high quality required of our own farmers. This condition gives the Canadian producer an economic advantage over both the eastern milk producer and the western cream producer, who must comply with State and municipal regulations.

Aside from its public-health character, this bill may be considered as emergency relief legislation for our dairy farmers, who are suffering from Canadian milk and cream competition in greater measure than ever before. Last year enough cream came into the United States to have made nearly 23,000,000 pounds of butter. Of course most of this cream was consumed in the liquid state or in making ice cream, but it displaced an equal quantity of American-produced products at a time when our dairy farmers, as well as the producers of less perishable products, are in a period of depression and need every available domestic market for themselves. Dairy leaders have told me repeatedly during the past winter that the prices of dairy products are barely making wages and a small capital return. These people are now entering upon the period of flush production, and Canadian producers are likewise entering upon a flush period. The seasonal condition will intensify the problem of finding markets for our own dairy products.

It may interest the Senate to know that Great Britain is also planning to establish strict import regulations governing the quality of milk imported into the British Isles. I have here a copy of the proposed regulations, and I find that in most respects they are similar to the points covered in my bill.

Mr. President, the bill is very short, and I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That on and after the date on which this act takes effect the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped holds a valid permit from the Secretary of Agriculture.

SEC. 2. Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least 70 points out of 100 points according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceed 200,000 and in the case of raw cream 750,000, in the case of pasteurized milk if the number of bacteria per cubic centimeter exceed 100,000, and in the case of pasteurized cream 500,000; (5) when the temperature of milk or cream at the time of importation exceeds 50° Fahrenheit.

SEC. 3. The Secretary of Agriculture shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 2 of this act, and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 2 of this act he shall issue to persons making application therefor permits to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the Secretary of Agriculture he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government that the provisions in clauses 1, 2, and 3 of section 2 of this act have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the Secretary of Agriculture, who is hereby authorized and directed to prescribe such form, as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The Secretary of Agriculture is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has violated this act or any of the regulations made hereunder, or that the milk and/or cream brought by the holder of such permit into the United States is not produced and handled in conformity with or that the quality thereof does not conform to all of the provisions of section 2 of this act.

SEC. 4. It shall be unlawful for any person in the United States to receive milk or cream imported into the United States from the importer thereof unless the person by whom such milk or cream was imported holds a valid permit from the Secretary of Agriculture.

SEC. 5. Any person who knowingly violates any provision of this act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 6. There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $50,000 per annum to enable the Secretary of Agriculture to carry out the provisions of this act.

SEC. 7. Any laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 8. Nothing in this act is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision.

SEC. 9. When used in this act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "United States" means continental United States.

SEC. 10. This act shall take effect upon the expiration of 90 days from the date of its enactment.

Mr. LENROOT. Mr. President, I ask unanimous consent to insert in the RECORD excerpts from the regulations established by the Public Health Council of the State of New York; also excerpts from the sanitary code, Department of Health of New York City; also a memorandum showing imports of cream and milk into the United States and extracts from an article appearing in a British magazine, The Milk Industry, showing what is now proposed to be done in Great Britain and that the action there proposed to be taken is almost identical with the action that is proposed by the bill which I have introduced.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Excerpts from the sanitary code established by the Public Health Council of the State of New York]

CHAPTER III

MILK AND CREAM

(Including amendments to April 1, 1925)

REGULATION 1. Permit required for sale of milk in municipalities. No corporation, association, firm, or individual shall sell or offer for sale at retail milk or cream in any municipality without a permit from the health officer thereof, which shall be issued subject to such conditions as may be imposed by this code or by the local health officer, except that the local health officer may exempt from the provisions of this regulation persons selling milk from not more than one cow. Such permit shall expire on the 30th day of April, unless another date is designated by the local health board, and shall be renewable on or before such date in each year, and may be revoked at any time for cause by the State commissioner of health or the local health officer after a hearing on due notice. (Amended October 1, 1914, and December 7, 1920.)

REG. 13. Designations of milk and cream restricted. All milk sold and offered for sale at retail, except milk sold or offered for sale as sour milk under its various designations, shall bear one of the designations provided in this regulation, which constitute the minimum requirements permitted in this State.

No term shall be used to designate the grade or quality of milk or cream which is sold or offered for sale, except:

Certified.
Grade A raw.
Grade A pasteurized.
Grade B raw.
Grade B pasteurized.
Grade C raw.
Grade C pasteurized.

Grade A raw. No milk or cream shall be sold or offered for sale as Grade A raw unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must have been tested at least once during the previous year with tuberculin, and any cow reacting thereto must have been promptly excluded from the herd.

Such milk must not at any time previous to delivery to the consumer contain more than 60,000 bacteria per cubic centimeter, and such cream not more than 300,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State commissioner of health not less than 25 per cent for equipment and not less than 50 per cent for methods.

Such milk and cream must be delivered within 36 hours from the time of milking, unless a shorter time shall be prescribed by the local health authorities.

Such milk and cream must be delivered to consumers only in containers sealed at the dairy or a bottling plant. The caps or tags must be white and contain the term "Grade A raw" in large black type, and the name and address of the dealer.

Grade B pasteurized. No milk or cream shall be sold or offered for sale as Grade B pasteurized unless it conforms to the following requirements:

The dealer selling or delivering such milk or cream must hold a permit from the local health officer.

All cows producing such milk or cream must be healthy, as disclosed by an annual physical examination.

Such milk or cream before pasteurization must not contain more than 1,500,000 bacteria per cubic centimeter.

Such milk must not at any time after pasteurization and previous to delivery to the consumer contain more than 100,000 bacteria per cubic centimeter, and such cream not more than 500,000 bacteria per cubic centimeter.

Such milk and cream must be produced on farms which are duly scored on the score card prescribed by the State commissioner of health not less than 20 per cent for equipment and not less than 35 per cent for methods.

Such milk must be delivered within 36 hours after pasteurization between April 1 and November 1, and within 48 hours after pasteurization between November 1 and April 1, and such cream within 48 hours after pasteurization, unless a shorter time is prescribed by the local health authorities.

The caps or tags on the containers must be white and contain the term "Grade B pasteurized" in large, bright-green type, and the name of the dealer. (Amended March 4, 1915, October 5, 1915, January 9, 1917, and January 10, 1919.)

[Excerpts from the sanitary code, Department of Health of New York City]

GRADE A MILK

Reg. 50. Bacteria standard: Milk or skimmed milk of this grade and designation shall not contain more than 30,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. Cream of this grade and designation shall not contain more than 150,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. No raw milk or raw, skimmed milk produced in or shipped to the city of New York to be pasteurized, and intended to be sold in said city under this grade and designation, shall contain more than 200,000 bacteria (colonies) per cubic centimeter before pasteurization. No raw milk or raw, skimmed milk produced and Pasteurized outside the city of New York and intended to be sold in said city of New York under this grade and designation shall contain more than 100,000 bacteria (colonies) per cubic centimeter at any time before pasteurization. Raw cream of this grade and designation must be produced from milk conforming to the bacteria standard prescribed in such milk in this regulation.

GRADE B, PASTUERIZED

Reg. 70. Bacterial standard: Milk or skimmed milk of this grade and designation shall not contain more than 100,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. Cream of this grade and designation shall not contain more than 500,000 bacteria (colonies) per cubic centimeter when delivered to the consumer or at any time after pasteurization. No raw milk or raw, skimmed milk produced in or shipped to the city of New York to be pasteurized and intended to be sold in said city under this grade and designation shall contain more than 1,500,000 bacteria (colonies) per cubic centimeter before pasteurization. No raw milk or raw, skimmed milk produced and pasteurized outside of the city of New York and intended to be sold in said city under this grade and designation shall contain more than 300,000 bacteria (colonies) per cubic centimeter at any time before pasteurization. Raw cream of this grade and designation must be produced from milk conforming to the bacteria standard prescribed for such milk in this regulation.

Imports of milk and cream from Canada

[United States Tariff Commission statistics]

	1922	1923	1924	1925	First 3 months 1926
	Gallons	*Gallons*	*Gallons*	*Gallons*	*Gallons*
Milk	2,022,652	4,473,141	5,159,883	7,366,342	1,069,433
Cream	467,789	3,024,663	4,197,528	5,169,196	418,948

In 1925 our total import of milk and cream was from Canada.

The quarter just closed is not representative for 1926 of the rate at which milk and cream came in from Canada, as it comprises the low period of winter production. Last year the heavy imports of milk and cream occurred in the month of July.

One reason for this great increase in imports from Canada may be attributed to the fact that when the Congress passed the tariff act of 1922 the butter-fat basis failed to receive proper recognition as between the tariff rate on butter and the tariff rate on cream. For example, the rate on butter was placed at 8 cents a pound, while the rate on cream was placed at 20 cents a gallon up to 45 per cent butter-fat content. At this rate cream at 40 per cent butter-fat content would be paying a tariff of approximately 6 cents a pound in terms of butter. Recently the President, after an investigation by the Tariff Commission, ordered the tariff on butter to be raised to 12 cents a pound. That will have the effect of widening the margin as between butter and cream from 2 cents to 6 cents per pound.

All imports of milk and cream into the United States

[Source: Bureau of Economics, United States Department of Agriculture]

Month	Milk, sour milk, and buttermilk	Cream
1925—	*Gallons*	*Gallons*
January	228,518	147,293
February	427,902	126,135
March	450,816	180,713
April	426,355	334,417
May	679,618	570,395
June	822,303	854,734
July	1,043,872	749,704
August	827,414	630,639
September	722,311	565,056
October	645,726	430,849
November	571,160	324,136
December	576,078	257,987
Total	7,422,133	5,171,788

Practically all imported from Canada, with a negligible quantity coming in from Denmark, Italy, Norway, and the United Kingdom.

[From The Milk Industry, Vol. VI, No. 10, 1926, p. 83]

(Head office, Temple Avenue, London E. C.)

The imported milk regulations: Important clauses of a draft of order, dated 5th March, proposed to be made by the minister of health.

3. (1) Every sanitary authority shall enforce and execute these regulations and shall keep a register of persons to whom milk imported into their district may be consigned.

(2) Any officer of the sanitary authority duly authorized in that behalf may take a sample of any milk imported into the district.

4. No person shall receive any milk consigned to him from any place outside the British Islands unless he is registered under these regulations by the sanitary authority into whose district the milk is imported.

5. All imported milk shall be in such condition that, on a sample being taken within the district of a sanitary authority, the milk

shall be found to contain not more than 100,000 bacteria per cubic centimeter and to be free from tubercle bacilli.

6. (1) If the sanitary authority are satisfied that any milk imported into their district does not comply with the provisions of these regulations, they may serve upon the person to whom the milk was consigned a notice to appear before them not less than seven days after the date of the notice to show cause why they should not, for reasons to be specified in the notice, remove him from the register, either absolutely or in respect of any specified source of supply; and if he fails to show cause to their satisfaction accordingly they may remove him from the register.

(2) Any person aggrieved by any such decision of the sanitary authority as aforesaid may, within 21 days, appeal to a court of summary jurisdiction and that court may require the sanitary authority not to remove him from the register.

(3) The sanitary authority, or such person as aforesaid, may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions, and that court may confirm, vary, or reverse the order of the court of summary jurisdiction.

(4) The decision of a sanitary authority to remove any person from the register shall not have effect until the expiration of the time for appeal is brought until the expiration of the time for appeal to a court of summary jurisdiction, nor if any such appeal is brought until the expiration of seven days after the determination thereof; nor if notice of appeal to quarter sessions is given within such seven days until such appeal is finally determined unless such appeal ceases to be prosecuted.

7. A person shall, if so required, give to any officer of a sanitary authority acting in the execution of these regulations all reasonable assistance in his power and shall in relation to anything within his knowledge furnish any such officer with all information he may reasonably require for the purposes of these regulations.

"British Islands" means Great Britain and Ireland, the Channel Islands, and the Isle of Man.

"Imported milk" means milk imported into England or Wales from any place situated outside the British Islands.

Mr. LENROOT. Mr. President, I wish to say further that this bill is not introduced in any spirit of hostility to any other country, but is introduced to require the importers of milk and cream to be put upon the same basis as is required of our own American dairy farmers.

The VICE PRESIDENT. The bill will be referred to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT OF PITTMAN SILVER PURCHASE ACT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, which was ordered to lie on the table and to be printed.

MEMORIAL ADDRESSES ON THE LATE SENATOR LADD

Mr. FRAZIER. I submit the resolution which I send to the desk, and ask that it may be read and considered by unanimous consent.

Mr. CURTIS. Let the resolution be read.

The resolution (S. Res. 214) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Sunday, May 9, 1926, 11 o'clock a. m., be set aside for memorial addresses on the life, character, and public services of the Hon. EDWIN F. LADD, late a Senator from the State of North Dakota.

MUSCLE SHOALS

Mr. DENEEN. Mr. President, I ask unanimous consent that the motion submitted by the Senator from Nebraska [Mr. NORRIS] to refer Senate bill 4106 reported by the Joint Committee on Muscle Shoals may go over until to-morrow.

The VICE PRESIDENT. The Chair lays before the Senate for its second reading Senate bill 4106.

Mr. HEFLIN. Mr. President, I ask the Senator from Illinois if he will not fix an hour to-morrow so that all may know when the matter is to come up.

The VICE PRESIDENT. Under the rule the bill will go to the calendar after its second reading. The second reading is in order at this time.

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was read the second time by its title.

Mr. NORRIS. Mr. President, the Senator from Illinois has asked unanimous consent that the matter may go over until to-morrow for a second reading, as I understand.

Mr. DENEEN. That is true.

The VICE PRESIDENT. The request for unanimous consent will be considered.

Mr. HEFLIN. I would not want any unanimous consent to interfere with the parliamentary status of the measure. I understand that some Senators who want to be present when the matter comes up can not be here before 3 o'clock to-morrow afternoon.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

Mr. HEFLIN. I would like to have an hour fixed.

Mr. HARRISON. Mr. President, a parliamentary inquiry. If I understand correctly, the bill goes to the calendar.

The VICE PRESIDENT. It goes to the calendar.

Mr. HARRISON. That is the first thing that must be done. No motion to refer a bill to a committee can be made until the bill goes to the calendar?

The VICE PRESIDENT. Until it goes to the calendar.

Mr. NORRIS. Is it going to be the ruling of the Chair that we will not be allowed to make a motion to send the bill to a committee of the Senate?

The VICE PRESIDENT. The Chair ruled on that question the other day after an examination of the rules. The bill must be on the calendar before a motion to refer to a committee is in order. The bill must take the usual course.

Mr. NORRIS. I understand that before the consideration of the bill it will be in order to make a motion to recommit it. I do not want to delay the matter by letting it come up for consideration and then make the motion, for if my motion should prevail that course would only cause additional delay. What I wanted to do was, when the bill came before the Senate at the beginning, to move to refer it to the Committee on Agriculture and Forestry. If I wait until the bill comes up for consideration then it may be charged against me that I am taking advantage of an opportunity to delay it, and that I do not want to do.

Mr. HARRISON. Mr. President, may I ask the Senator a question? I think everyone understands that the Senator intends to make a motion to refer the bill to the Committee on Agriculture and Forestry.

Mr. NORRIS. That is what I intend to do.

Mr. HARRISON. I suggest to the Senator from Illinois that we fix a certain time to-morrow when the motion of the Senator from Nebraska shall be entered and discussed.

Mr. NORRIS. I am perfectly agreeable to that course.

Mr. McKELLAR. And that no proceedings be taken until that time.

Mr. NORRIS. In accordance with the suggestion made by the Senator from Mississippi I ask unanimous consent, if Senators want a time fixed later than the morning hour, that the bill be held on the table until to-morrow at 3 o'clock, and that at 3 o'clock it shall be in order to make a motion to refer the bill to the committee, and that it shall then be discussed and decided.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. FERNALD. Mr. President, a parliamentary inquiry. If this unanimous-consent request is granted will it displace the public buildings bill as the unfinished business?

The VICE PRESIDENT. If it is done by unanimous consent it will not displace the public buildings bill.

Mr. CURTIS. Mr. President, I would suggest, in order to allow time for the Senator from Maine to have consideration of the public buildings bill, that we agree that when we conclude our business to-day we shall take a recess, which would give the Senator from 12 o'clock until 3 o'clock to-morrow afternoon for the public buildings bill, if we do not get through with it before that time.

Mr. FERNALD. But after 3 o'clock would the public buildings bill be displaced?

Mr. CURTIS. Not by the unanimous-consent agreement.

Mr. HARRISON. If I understand the Senator from Nebraska, he has no objection to the usual rule being followed, and that the bill go to the calendar with the understanding that to-morrow at 3 o'clock his motion will be entered.

Mr. NORRIS. I am not willing to have the bill go to the calendar. I want to make my motion before it is referred to the calendar and while it is before the Senate, as I think I have a right to move with reference to any bill to have it referred to a committee; but the Chair seems to hold otherwise. The Chair holds that under the rule I can not make a motion to refer the bill to a committee, but I am asking unani-

mous consent that I may be allowed to do that before it shall be placed on the calendar. I am willing to fix any time for the presentation of the motion; I do not care when it may be.

The VICE PRESIDENT. A motion to refer the bill is now in order, the bill being before the Senate. The ruling of the Chair was that the motion to refer the bill was not in order before the bill should be before the Senate. The bill has had its second reading and is now before the Senate, and a motion to refer it is in order.

Mr. NORRIS. I have not heard the ruling of the Chair.

The VICE PRESIDENT. The ruling of the Chair was that a motion to refer the bill to a committee could not be made until the bill was before the Senate. The bill is now before the Senate, having had its second reading, and a motion to refer it to a committee is now in order.

Mr. NORRIS. Then I move that the bill be referred to the Committee on Agriculture and Forestry, and I ask unanimous consent that that motion be taken up to-morrow at whatever hour shall be agreeable—say, at 3 o'clock—and that it be then debated.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. Mr. President——

Mr. NORRIS. And I further ask unanimous consent that at the time indicated the unfinished business may be temporarily laid aside for the purpose I have indicated.

Mr. HEFLIN. I hardly think that the motion of the Senator from Nebraska would be in order until the bill shall be on the calendar.

The VICE PRESIDENT. The bill has been read the second time, and the motion is in order.

Mr. NORRIS. I do not care whether the bill shall be on the calendar or on the desk.

The VICE PRESIDENT. The bill can be taken up either on motion or by unanimous consent.

Mr. HEFLIN. The Senator from Nebraska, as I understand, makes the request that we agree to consider the motion to-morrow afternoon at 3 o'clock?

Mr. NORRIS. At 3 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. CURTIS. The request includes the understanding that the unfinished business be temporarily laid aside at that time by the Senate.

The VICE PRESIDENT. That will be considered as being a part of the unanimous-consent request. Is there objection? The Chair hears none, and it is so ordered.

SALARIES OF UNITED STATES JUDGES

Mr. REED of Missouri. Mr. President, I ask unanimous consent to proceed to the consideration of Order of Business No. 379, being Senate bill 2858, which is known as the judges' salary bill. I wish to make a preliminary statement. The bill was introduced——

Mr. KING. Mr. President, has the Senator asked unanimous consent for the present consideration of the bill?

Mr. REED of Missouri. I will ask it when I get through with the statement I am going to make, and I know the Senator is going to give his consent; at least, I think he will after I shall have made the statement.

The bill as introduced by myself and reported by the Judiciary Committee fixed the salaries of district judges at $12,500 and of circuit judges at $15,000 a year, and provided corresponding salaries for other judges. The House committee has also had under consideration the subject of the salaries of judges, and that committee has agreed on a bill under which the salaries of circuit judges are put at $12,500 a year and the salaries of district judges at $10,000 a year, both figures being, in my judgment, far below the point that ought to be fixed; but, in view of the situation, if unanimous consent shall be given for the consideration of the bill, I shall move then to strike out all after the enacting clause of the Senate bill and to insert the language of the bill which the committee of the House of Representatives has agreed upon, so that I shall only ask the Senate to grant increases as provided in that bill, under which, as I have said, district judges will get only $10,000 and circuit judges only $12,500.

Mr. SHORTRIDGE. Mr. President——

Mr. REED of Missouri. I ask the Senate to bear in mind that the circuit judges are now practically the court of last resort in nearly all cases. I shall not ask for the larger salaries proposed by the Senate bill, if consent shall be given to consider the measure, and I hope there will be no objection to its consideration.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I think the Senator from California [Mr. SHORTRIDGE] asked me to yield first. I will, therefore, yield to him, and then yield to the Senator from Arkansas.

Mr. SHORTRIDGE. I merely rose to make an inquiry. Has any action been taken by the House on the bill? The Committee on the Judiciary has merely reported it, as stated by the Senator from Missouri?

Mr. REED of Missouri. Yes; that is correct.

Mr. SHORTRIDGE. Of course, I hope that the House will never consent to or approve of that report in respect to the point to which the Senator from Missouri has called attention.

Mr. REED of Missouri. If the House shall not do so, so much the better; but I have looked into the matter; the Senator from Kansas [Mr. CURTIS] has made some inquiries; the American Bar Association have made inquiries, and their representative asked me this morning if I would not try to secure the passage of the bill here as recommended by the committee of the House.

Mr. SHORTRIDGE. Mr. President, may I suggest to the Senator and to the Senate would it not be wise on our part, assuming that we favor the figures as they appear in the bill which the Senator from Missouri has introduced, to pass the bill and let it go to the House, and ultimately perhaps in the conference our views will prevail? I do not like to surrender at this stage of the fight, if it be a fight.

Mr. REED of Missouri. That was considered. The Senator from Kentucky [Mr. ERNST], who has been very active in this matter and spent a lot of time last summer in gathering the views of the bar and of the bench of the country, is of the opinion at which I have now reluctantly arrived—that it is this bill or no bill. If we can get consent for its consideration, then I shall present my views very briefly.

I now yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, I merely wanted to say that I think the Senator from Missouri and the Senator from Kentucky are taking the right course in suggesting the amendment which the Senator intends to propose if consent is given for the consideration of this bill.

There is unquestionably a demand and a necessity for an increase in judicial salaries. There are, however, a number of Senators who have expressed the opinion that the salaries carried in the Senate amendment as reported are larger than the circumstances justify. I am sure that if consent is given for the consideration of the bill it will pass with the increases contemplated by the amendment which the Senator from Missouri intends to propose, and I hope there will be no objection to the consideration of the bill.

That is all I care to say at this time.

Mr. KING. Mr. President——

Mr. CUMMINS. Mr. President, before the Senator from Missouri yields to the Senator from Utah, will he yield to me for a moment?

Mr. REED of Missouri. I yield.

Mr. CUMMINS. I think the Senator from Missouri should make his statement complete by indicating what increases in compensation are provided for the Supreme Court of the United States and the courts of the District of Columbia and the Court of Customs Appeals, so that we may have the whole matter before any objection is made.

Mr. KING. Mr. President, I will say to the Senator that I was merely going to inquire what changes he proposed to make with respect to the chief justice of the Court of Claims and the other justices.

Mr. BORAH. Mr. President, why not have these proposed amendments printed in some form and bring up the matter again to-morrow? I do not know what changes are proposed. If there are any considerable changes proposed in the way of increase, I am opposed to the bill, but I do not know what the changes are.

Mr. REED of Missouri. I have not any objection to accepting the suggestion of the Senator from Idaho; and, Mr. President, for the purpose of having it printed, I ask unanimous consent that I may now offer as an amendment to Senate bill 2858 the following:

Strike out all after the enacting clause and insert:

That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of $20,500 per year, and to each of the Associate Justices thereof the sum of $20,000 per year.

To each of the circuit judges the sum of $12,500 per year.

To each of the district judges the sum of $10,000 per year.

To the presiding judge of the United States Court of Customs Appeals, and to each of the other judges thereof, the sum of $12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia, and to each of the associate justices thereof, the sum of $12,500 per year.

To the chief justice of the Court of Claims, and to each of the other judges thereof, the sum of $12,500 per year.

To the chief justice of the Supreme Court of the District of Columbia, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To each of the members of the Board of General Appraisers, which board functions as the customs trial court, the sum of $10,000 per year.

That all of said salaries shall be paid in monthly installments.

SEC. 2. This act shall take effect on the first day of the first month next following its approval.

I offer that now, if the Vice President and the Senate please, as the amendment. It can be printed in that form and then the Senate can have it for consideration to-morrow.

The VICE PRESIDENT. Without objection, the amendment will be received and printed.

Mr. KING. Mr. President, as I understand the Senator, then, this amendment will be printed and he will renew his request to-morrow?

Mr. REED of Missouri. Yes.

Mr. CURTIS. Mr. President, has the morning business been concluded?

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. REED of Missouri. May I be indulged for just two or three minutes? I shall not undertake to discuss this measure at length, but I should like to make a few suggestions which the Senate can consider.

The salaries proposed here are to be paid to men who occupy positions of the highest and gravest importance. The salaries now paid are insufficient if we expect to retain upon the bench of the United States men competent to perform the high duties devolving upon them. A number of judges have already resigned, and, according to the evidence that has been submitted to us, a considerable additional number will resign, not out of any sense of pique or any desire to enrich themselves, but because they feel that in justice to themselves and their families they must have more compensation; and so we are confronted with a situation which I think is rather alarming as well as very distressing.

These judges are deprived of the right to engage in any way in the practice of their profession. If they take these positions and hold them for life or until retirement, they can not, at the present salaries, particularly in certain parts of the country, more than barely eke out a living. They can not send their children to appropriate schools. In some instances that have come to the attention of the committee the wives of judges have been obliged, while in delicate health, to do the drudgery of housework in order that their children can be kept in school. I know of some instances of this kind personally. The cost of living has enormously advanced since the last increase of salaries. It is becoming a hardship to hold these positions. The compensation of members of the bar has enormously increased. I know of no judge possessing the qualifications that a man occupying that high position should possess who could not make several times his salary by engaging in the practice of his profession.

In my judgment, it is the worst economy that can ever be practiced to pay salaries so low that in the end they will result in an inefficient judiciary. An inefficient judge can increase the expenses of his court to the Government every term of court a great deal more than his entire salary, and he can increase the expense to litigants and the loss to litigants many times the amount of his salary.

It is unjust to ask men of a high order of talent to work as judges for vastly less than they can earn in their profession; and such an injustice in the end is bound to work but one result: The cream of the bar, the abler men of the bar, will not aspire to these positions and will not accept them if tendered.

Why should the United States ask its judiciary to work at salaries less than fairly measure the value of their services? But even if we should insist upon salaries too low, we will pay the price ultimately in inefficient service.

These courts are constantly increasing in their importance to the people. We have laid upon them by legislation in the past few years a multitude of duties which they were not required to perform in past years. Their dockets are crowded. We are compelling them to try prohibition cases, narcotic cases, autmobile-theft cases, Mann Act cases, lottery cases, cases where the mails have been used to defraud, and a variety of other litigation has been cast upon them, so that the Supreme Court in its desperation in some way to relieve itself of the enormous burden asked and Congress passed an act which very largely took away the right of appeal as a right and reduced it to a matter of grace to be obtained by certiorari. Accordingly the circuit courts are now to all intents and purposes the great courts of last resort to which the people of the United States must submit questions of property and personal right.

I appeal to the Senate to approach this question not only in a spirit of justice, but as a great practical question. It is one we feel like discussing with some considerable delicacy, but the fact is that as the years are running on we no longer find the leaders of the bar aspiring to these judicial positions. I will not say we no longer find it, but we seldom find it. There may be instances to the contrary.

If we persist in the present policy, this will be the result: We will either get the services of a young man who has not yet established himself in the practice, or we will get the services, speaking broadly, of men who have not succeeded very well in the practice.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. REED of Missouri. I yield.

Mr. WILLIAMS. Will my colleague kindly tell me what the parliamentary situation is in respect to his bill? Does he offer an amendment?

Mr. REED of Missouri. I have offered as an amendment the bill reported by the House committee, which carries salaries very much lower than those in the bill I introduced in the Senate. I am offering it because the understanding is that the House will be unwilling to pass a bill carrying higher salaries than those its committee reported. I have offered the amendment; the amendment is to be printed; and I hope to take this matter up to-morrow. I have been offering these observations to possibly get some facts before the Senate which some of the Members may not have thought of. The bar associations all over the country, particularly the American Bar Association, have been earnestly working for this bill.

That is all I wanted to say this morning. I shall be glad to-morrow to produce the figures showing exactly how much the raises are in each instance.

THE CALENDAR

Mr. JONES of Washington. Mr. President, I ask unanimous consent that we may proceed to the calendar and consider unobjected bills, beginning at the point where we left off at the last call, Order of Business No. 573.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PROCEEDS OF SCHOOL AND INSTITUTIONAL LANDS IN NEW MEXICO

Mr. BRATTON. Mr. President, I ask unanimous consent that we consider Order of Business No. 556, Senate Joint Resolution 46, giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That consent is hereby given and granted to the State of New Mexico and the qualified electors thereof to vote upon and amend the constitution of said State by the adoption of the following amendment proposed by the legislature of said State by Joint Resolution No. 10, passed by its seventh regular session, approved March 20, 1925, to wit:

"ARTICLE XXIV

"APPORTIONMENT OF MONEYS DERIVED FROM STATE LANDS

"All moneys in any manner derived from the lands which have been granted or confirmed to the State by Congress shall be apportioned to the separate funds established for the several objects, including the Eastern Normal University, for which said lands were granted or confirmed in proportion to the number of acres so granted or confirmed for each of said objects."

Consent is further given and granted to said State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into effect should the same be duly adopted.

Mr. WILLIAMS. Mr. President, I am informed by the president of the University of Missouri, who is interested in this joint resolution, as the presidents of other State universities

are, that it contemplates the permission of Congress to enable the State of New Mexico to change its constitution so as to divert funds which are now apportionable and payable to the State university to purposes which possibly are not strictly educational purposes. I have no objection to the Senator from New Mexico having the joint resolution passed, but I would like to have an explanation, so as to know whether the position of these presidents of our State universities is well taken.

Mr. BRATTON. Mr. President, I shall be glad to explain the resolution for the benefit of the Senator from Missouri as well as others.

In the enabling act under which New Mexico was admitted into the Union, four sections of land in each township were granted for common-school purposes. In addition, floating grants of many hundreds of thousands of acres were made to the State for various enumerated purposes.

Mr. WILLIAMS. That amounted to about 12,000,000 acres?

Mr. BRATTON. No; 12,000,000 acres to the common schools. I do not recall the amount to the university. The report shows the exact amount. I do not recall it just now.

It is shown in the report that so much goes to the university, so much to the military institute, so much to the normal school, so much to the penitentiary, so much to the reform schools, and so on. Those lands were considered as nonmineral in character.

The act expressly provided that where any part of the four sections—that is, sections 2, 32, 16, and 36—were mineral in character, other lands should be selected in lieu of them, and that the floating grants should be selected from nonmineral lands belonging to the public domain, contemplating, of course, that the lands should all be nonmineral and all of about the same value, acre for acre.

About two years ago oil was discovered on certain lands belonging to the university. That was a thing not contemplated or expected at the time the grant was made. Consequently it raised the income of the university out of proportion to that contemplated by Congress. So, at the last session of the legislature an amendment to the constitution of the State was proposed in language which I shall read. I should say before I read that the enabling act also provided that the State treasurer should set up a separate fund, corresponding to each grant into which the money from that grant should be placed, and that no money should be transferred from one fund to another. The constitutional amendment proposed provides that all money in any manner derived from any of these lands shall be placed in one fund, and be divided among the several institutions in proportion to the number of acres granted, contemplating that the same proportion that was entertained by Congress at the time the enabling act was passed should be continued in effect and be perpetuated.

It is thought that perhaps oil may be discovered on lands belonging to the common schools, and to the other institutions of the State. In that event still other inequalities beyond what Congress contemplated would be brought into existence.

This constitutional amendment is designed to carry out exactly the proportion and the ratio Congress had in mind at the time the grants were made, and to preserve that equality and to continue that ratio regardless of the various discoveries which may be made. It will be borne in mind that the division is confined to the beneficiaries under the grant, and the division shall be made in proportion to the acres so granted under the original enabling act.

Mr. WILLIAMS. The Senator means that the income hereafter will be apportionable on the same basis that the acreage was apportionable under the act?

Mr. BRATTON. Exactly. The legislature of the State passed this amendment by a vote of approximately 2 to 1, indicating that the people of the State desire to carry out and perpetuate the plan, and the ratio and proportion contemplated in the enabling act.

Mr. WILLIAMS. Is there a compact between the State of New Mexico and the Congress of the United States?

Mr. BRATTON. Yes. The enabling act provided that its terms respecting these lands should be accepted by the State, and they were accepted in the constitution. Consequently the consent of Congress to make this change respecting this trust property is necessary, and that is what the amendment is designed to do.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF UNITED STATES NAVAL RESERVE OFFICERS

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to take up Order of Business 5559, Senate bill 3480. I do not think the consideration of this bill will delay the regular order. The Committee on Naval Affairs referred the bill to the Navy Department; in turn it was referred to the Bureau of the Budget, and it comes from the committee with a favorable report with an amendment which I very gladly agree to.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. The bill will be reported by title.

The Chief Clerk read the bill by title, as follows:

A bill for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments.

The first amendment of the committee was, on page 1, line 3, to strike out the words "Secretary of the Navy," and to insert in lieu thereof the words "General Accounting Office."

Mr. KING. I have not a copy of the bill in my file, and I would like to have the Senator from California explain the purpose of it, and state the cost to the Government.

Mr. SHORTRIDGE. The purpose of the bill appears in the reply letter of the Secretary of the Navy. I read a portion of the reply, as follows:

During the World War many persons were enrolled in enlisted ratings in the United States Naval Reserve Force and thereafter, without any break in continuity of their reserve service, were given provisional assignments as officers. Subsequently they were disenrolled as officers at the place where their provisional assignments were given them and no mileage was allowed under such circumstances, thereby necessitating the officers concerned to proceed to their homes or places of enrollment at their own expense.

The Navy Department could not legally reimburse these officers for the expenses so incurred by them, because such persons had no legal right to mileage in lieu of the expenses incurred in traveling from their places of disenrollment to their homes or places of enrollment. The law (acts of July 1, 1918, 40 Stat. 712, and March 3, 1901, 31 Stat. 1029; and article 4490, U. S. Navy Regulations) authorizing mileage to officers required that travel should be performed under orders.

That is to say, under the law, technically, the department could not issue the appropriate order for the payment of the mileage involved.

As no travel orders in such cases had been issued to the officers concerned, they could not be considered as having performed the travel in question under orders. Furthermore, as these officers had been disenrolled and were out of the service at the time such travel was performed, they unquestionably did not have the status of officers.

It is impracticable to determine with accuracy the cost of this proposed legislation. Approximately 31,000 reserve officers were released from active service following the World War, and in order to ascertain the cost involved it would be necessary to search the records of each of these officers. The clerical force of the Navy Department is inadequate for this purpose.

This proposed legislation was referred to the Director of the Bureau of the Budget with the information above stated as to cost, and it was further stated that the Navy Department contemplated recommending favorable action on the bill S. 3480, provided it were amended—

Which has been provided in the amendment suggested—

Provided, it were amended so as to provide for the payment of mileage by the General Accounting Office rather than by the Secretary of the Navy, place a time limit of one year within which the travel must have been performed, and limit the application of the bill to officers released from active duty prior to July 1, 1922. Under date of March 5, 1926, the Navy Department was informed that this report would not be in conflict with the financial program of the President.

Thereupon the committee suggested the amendment which appears in the bill. In other words, this bill is to meet a situation brought about by the facts suggested, namely, that under the technical law as it was, these officers did not, when returning to their place of enrollment, technically occupy the status of officers under orders, and hence the relief sought.

Mr. KING. Why was not this matter taken up years ago when the men were separated from the service?

Mr. SHORTRIDGE. Of course, I can not answer that question, unless it be that so many matters have been taken up and perhaps abortive efforts made to get the remedy. I only know that it was brought to my attention, and I introduced the measure, and it has been submitted to all the parties whose duty it was to consider it, with the result indicated. Permit me to add that it is manifestly just; but wisely, I think, the department suggested that relief be limited to those who

traveled within the time limit from the place of erroneous disenrollment to the point of enrollment.

Mr. KING. I would like to ask the Senator if the bill which we are now considering applies also to the reserve officers of the Army as well as the Navy, and how many are there in the Army and in the Navy who would come under the terms of the bill?

Mr. SHORTRIDGE. It relates to those specifically mentioned in the bill, but just how many I am not able to answer definitely, nor am I able to answer definitely just how much it would involve in point of money.

Mr. KING. I would like to ask the Senator whether privates in the Army and seamen in the Navy when they are discharged have to pay their way home, or whether the Government of the United States pays their expenses to their respective homes; because if there is any discrimination, I shall be opposed to the bill. I think an officer is no more entitled to this pay than is a private.

Mr. SHORTRIDGE. I fully agree with the statement just made. As to whether they were allowed or not allowed pay, I am not able to answer definitely.

Mr. HALE. They were allowed pay.

Mr. SHORTRIDGE. The chairman of the Committee on Naval Affairs makes answer that they were allowed pay.

Mr. HALE. They were allowed pay to the place of enrollment.

Mr. KING. Why has not the legislation been presented years ago?

Mr. HALE. That I can not tell the Senator. This is the first time the matter has been brought to the attention of the Committee on Naval Affairs.

Mr. KING. Did not the Naval Affairs Committee ascertain the number that were involved?

Mr. HALE. The department letter states as follows:

It is impracticable to determine with accuracy the cost of this proposed legislation. Approximately 31,000 reserve officers were released from active service following the World War, and in order to ascertain the cost involved it would be necessary to search the records of each of these officers. The clerical force of the Navy Department is inadequate for this purpose.

I would like to say to the Senator that this case involves——

Mr. KING. This is not a case; it is many cases.

Mr. HALE. I should say that the legislation involves men who were enrolled as enlisted men in the Naval Reserves. During the course of the war these men were promoted to officer rank and when they went out at the close of the war they were given transportation only to the place where they were promoted to officer rank, regardless of where that place might be. Under ordinary circumstances when an officer goes out of the service he is given travel orders to the place of his enrollment, but this was not done in the case of some of these men, and therefore the department could not pay their expenses to their homes. If they had stayed on as enlisted men, they would have been entitled to pay to return to their homes. The bill rectifies the matter as to certain enlisted men who were promoted to officer rank and who were not taken care of with reference to travel compensation.

Mr. KING. The explanation given is not satisfactory, but I shall not object. However, I promise Senators that if, upon inquiry, I do not get satisfactory information, I shall move tomorrow to reconsider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 1, line 3.

The amendment was agreed to.

The next amendments of the Committee on Naval Affairs were, on page 1, line 5, to strike out the word "from" and insert in lieu thereof "within one year from date and"; and on page 2, after the word "enrollment," in line 6, to insert the following proviso:

Provided, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually relieved from active duty or disenrolled under honorable conditions prior to July 1, 1922,

So as to make the bill read:

Be it enacted, etc., That the General Accounting Office is hereby authorized to pay mileage at the rate of 8 cents per mile, computed by the shortest usually traveled route, for travel actually performed within one year from date and place of release from active duty or disenrollment to their homes or places of enrollment, to such former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who have been erroneously released from active service or disenrolled under honorable conditions at places other than their homes or places of enrollment, upon the presentation by such former officers of satisfactory evidence showing that they actually performed such travel to their homes or places of enrollment: *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually released from active duty or disenrolled under honorable conditions prior to July 1, 1922.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD MURPHY

The bill (S. 3739) authorizing issuance of patent to Richard Murphy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Richard Murphy patent to the southwest quarter of section 13, in township 3 south of range 15 west, Indian meridian, in Oklahoma, being homestead entry Guthrie 06742.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF EXECUTIVE NOMINATIONS

The resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate relative to nominations was announced as next in order.

Mr. BINGHAM. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

WALTER REED GENERAL HOSPITAL

The bill (S. 2477) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 3, line 7, to strike out the word "is" and insert in lieu thereof the word "as"; on page 3, line 13, after the word "cars," to strike out the words "motor busses"; and on page 4, after line 3, to insert a new section as section 5, so as to make the bill read:

Be it enacted, etc., That, in order to provide for the necessary extensions and additional buildings to be erected at the Walter Reed General Hospital, in the District of Columbia, all public streets, except Fourteenth and Aspen Streets, and all alleys included within the area bounded by Sixteenth Street on the west, Alaska Avenue on the northwest, Fern Street on the north, Georgia Avenue on the east, and Aspen Street, as platted on the official survey map, on the south, be, and the same are hereby, vacated, abandoned, and closed; the portions of the public streets within said area which are hereby abandoned and closed by this act being known as Thirteenth Street, Fifteenth Street, Dahlia Street, Dogwood Street, and Elder Street.

SEC. 2. That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Fourteenth Street from Montague Street to the southern boundary of the Walter Reed General Hospital reservation, in accordance with the plan of the permanent system of highways for the District of Columbia: *Provided, however*, That the condemnation jury shall report separately, in its verdict, the damages awarded for all structures within the lines of Fourteenth Street between Montague Street and the southern boundary of the said hospital reservation, and should such verdict show that the total damages, plus the cost and expense of the proceeding, exceed the benefits by a sum of not more than the award for the structures aforesaid, such excess shall be borne by the District of Columbia out of the appropriation herein authorized.

SEC. 3. That when Fourteenth Street shall be opened to the southern boundary of the Walter Reed Hospital Reservation, numbered for the purposes of assessment and taxation as parcel 89 over 7, control and jurisdiction over that part of Fourteenth Street as laid down on the plan of the permanent system of highways of the District of Columbia which lies within the said hospital reservation, shall immediately pass to the Commissioners of the District of Columbia, the same in all respects as other streets and avenues in the District of Columbia: *Provided, however*, That the operation of street railway cars and trucks equipped with solid tires shall not be permitted on Fourteenth Street through the said hospital reservation, and that regulation and control of traffic within the limits of said reservation shall be under

the supervision of the hospital authorities: *And provided further,* That the grade of the street through the hospital reservation shall be subject to the approval of the Secretary of War.

SEC. 4. That there is hereby authorized to be appropriated entirely out of the revenues of the District of Columbia an amount sufficient to pay the necessary cost and expense of the condemnation proceeding taken pursuant hereto and for the payment of the amounts awarded as damages, the amounts assessed as benefits, when collected, to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

SEC. 5. That the plan of the permanent system of highways for the District of Columbia shall be, and the same is hereby, amended so that Aspen Street, between Georgia Avenue and Sixteenth Street NW., as laid down on said plan, shall be shifted southerly so that the north line of said Aspen Street shall be coincident with the south line of said street as laid down on said plan prior to the passage of this act; that the United States, in its own name, through its Attorney General, shall institute condemnation proceedings in accordance with the procedure laid down in Chapter XV of the Code of Law for the District of Columbia for the purpose of acquiring a strip of land 90 feet wide immediately south of and contiguous to the present south line of the Walter Reed General Hospital Reservation, between Georgia Avenue and Sixteenth Street NW.: *Provided,* That upon the conclusion of said proceedings title to the southern 45 feet of said strip of land shall become vested in the District of Columbia for the purposes of a street, the same to constitute the northern one-half of the new Aspen Street between Georgia Avenue and Sixteenth Street NW., and that title to the northern 45 feet of said strip of land shall be vested in the United States as part of the reservation for the Walter Reed General Hospital: *And provided further,* That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay for all damages and costs in connection with the proceedings authorized under this section.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN OKLAHOMA

The bill (H. R. 9305) to amend section 101 of the Judicial Code, as amended, was considered as in Committee of the Whole.

Mr. HARRELD. Mr. President, the purport of the bill is to change the plan of holding court in certain districts in the State of Oklahoma. I have the permission of the Judiciary Committee to have the bill amended in this particular. On page 2, line 4, in the amendment proposed by the committee, I move to strike out the word "September" and insert the word "November." That is a Senate committee amendment, anyway, and I am asking permission, really, to perfect the language by substituting the word "November" for the word "September," so that the amendment as amended will read: "At Miami on the first Monday in November."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, my recollection is that when the bill was being considered by the Judiciary Committee it was understood that no additional districts were being created, no additional expense incurred, and that the Government was not called upon to furnish any additional buildings.

Mr. HARRELD. The Government is asked to furnish nothing at all. The bill provides a different time for holding court and establishes new court towns, establishing one or two additional towns, and provides for the terms of court, but in each case it provides that the quarters shall be furnished by the town in which court is to be held.

Mr. KING. Does the Senator have any assurance that quarters will be furnished?

Mr. HARRELD. Yes; I have, because in this particular case in regard to Miami I already have the action of the county court permitting the court to be held in the county courthouse.

Mr. KING. This is not an entering wedge to secure an appropriation from the Government in a little while for a public building?

Mr. HARRELD. Not any more so than any of the similar bills might be.

Mr. KING. I think all such bills are subject to that objection.

Mr. HARRELD. On the other hand, I believe that as we have more court business we ought to have more court towns and bring the courts nearer to the towns where the business arises.

The VICE PRESIDENT. The next amendment will be stated.

The next amendment of the Committee on the Judiciary was, on page 2, line 7, after the word "Pawhuska," to insert the word "Miami," so as to make the bill read:

Be it enacted, etc., That paragraph 1 of section 101 of the Judicial Code as amended be, and it is hereby, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Okfuskee, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June in each year: *Provided,* That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

"The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided,* That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, and Pauls Valley are furnished free of expense to the United States.

"The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday of March, at Guthrie on the first Monday of May, at Mangum on the first Monday of September, at Lawton on the first Monday of October, and at Woodward on the first Monday of November: *Provided,* That suitable rooms and accommodations for holding court at Mangum are furnished free of expense to the United States: *And provided further,* That the district judge of said district, or in his absence a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

"The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NORA B. SHERRIER JOHNSON

The bill (H. R. 2761) for the relief of Nora B. Sherrier Johnson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon the payment therefor at the rate of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent, as hereinafter limited, to Nora B. Sherrier Johnson, for the following-described lands: Lots 2, 3, and 4, section 24, township 4 north, range 6 east, Boise meridian, Idaho, containing 73.03 acres, withdrawn in connection with the Boise irrigation project, Idaho: *Provided,* That there be reserved to the United States all oil, coal, or other minerals in the land and the right to prospect for, mine, and remove the same: *Provided further,* That the mineral deposits so reserved shall not be subject to prospect-

ing, location, or patent unless and until restored to disposition under the mining laws by express order of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. PRIDE

The bill (H. R. 2797) for the relief of Mary M. Pride was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the title of Mary M. Pride in and to fractional section 13, township 4 south, range 13 west, Huntsville meridian east of the Chickasaw boundary line, containing 13.08 acres, Colbert County, Ala., be, and the same is hereby, quieted and confirmed, and patent therefor should issue to the said Mary M. Pride upon the payment of $1.25 per acre and the furnishing of a satisfactory abstract of title or other evidence showing that the land is free from adverse claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M'MINNVILLE (OREG.) LANDS

The bill (H. R. 8534) to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co., and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153), was announced as next in order.

Mr. SMOOT. Mr. President, I wish to direct the attention of the Senator from Oregon [Mr. McNARY] to the report of the Secretary of the Interior, in which he says that "attention is called to the fact that the title of the bill does not agree with the amendment proposed in the bill itself, and the title should therefore be changed." Does the Senator intend to make the change, or will he let it go as it is?

Mr. McNARY. Mr. President, I am not at all conversant with the proposed legislation. It is a House bill and was referred to the committee of which my colleague, the junior Senator from Oregon [Mr. STANFIELD], is chairman, and was reported by him.

Mr. SMOOT. The bill may have previously passed the Senate, and in reporting it the committee may have used the former report. In just a moment I shall examine the report and see if that is the case.

Mr. McNARY. Will the Senator from Utah permit the bill to be temporarily passed over?

Mr. SMOOT. It may be that the title has already been changed. I now see that the report was submitted on February 6, and we may return to the bill again.

Mr. McNARY. Very well.

Mr. SMOOT. There is no objection to the passage of the bill if the title is correct. I have no objection to it.

Mr. McNARY. I can see no objection to the bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Being objected to, the bill will be temporarily passed over.

LANDS IN COOS COUNTY, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8817) reserving certain described lands in Coos County, Oreg., as public parks and camps, which was read, as follows:

Be it enacted, etc., That the northeast quarter northwest quarter, lot 1, section 7, township 28 south, range 9 west, the southwest quarter northeast quarter, north half southeast quarter, section 5, township 27 south, range 11 west, the west half southwest quarter, section 5, the south half northwest quarter, section 11, township 28 south, range 11 west, the south half southeast quarter and east half southwest quarter, section 35, township 27 south, range 12 west, Willamette meridian, Coos County, Oreg., formerly a part of the Coos Bay military wagon road grant, subject to valid existing rights and as to lands withdrawn for water-power purposes to all the provisions of the Federal water power act of June 10, 1920 (41 Stat. L. p. 1063), and to the cutting and removable of the merchantable timber on the northeast quarter southwest quarter, section 35, township 27 south, range 12 west, pursuant to a sale thereof heretofore made, be, and the same hereby are, reserved and set apart as public parks and camp sites for recreational purposes and to preserve the rare groves of myrtle trees thereon, such lands to be placed under the care, control, and management of the county court of Coos County, Oreg., in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That all the expense of such care, control, and management shall be paid by the said county court.

SEC. 2. The said county court may make necessary rules and regulations governing the use of such lands and may charge such reasonable fees as may be necessary to provide funds for the upkeep, care, and protection of such reserved lands and the myrtle trees thereon, the said regulations and fees chargeable to be approved by the Secretary of the Interior before becoming effective.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE CRIMINAL CODE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3115) to amend section 220 of the criminal code, which was read, as follows:

Be it enacted, etc., That section 220 of the Criminal Code be amended to read as follows:

"SEC. 220. Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp or revenue stamp of any foreign government shall be fined not more than $500, or imprisoned not more than five years, or both: *Provided, however*, That nothing in this act shall be held to repeal or modify an act entitled 'An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates,' approved March 3, 1923."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF CARRIERS BY RAILROAD

The bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States was announced as next in order.

Mr. KING and Mr. CUMMINS asked that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

DISTRIBUTION OF SUPREME COURT REPORTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3841) to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code, which was read, as follows:

Be it enacted, etc., That section 227 of the Judicial Code is hereby amended to read as follows:

"SEC. 227. The reports provided for in section 225 shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court Reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeal, the judges of the district courts, the judges of the Court of Claims, and judges of the court of appeals, and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the Solicitor of the General Accounting Office, each of the chiefs of division in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General of the Army; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Interstate Commerce Commission, the Federal Trade Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia, the chairman, United States Shipping Board; the Naval Academy at Annapolis, Md.; the Military Academy at West Point, N. Y.; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each 1 copy; to the law library of the Supreme Court, 25 copies; to the law library to the Department of the Interior, 2 copies; to the law library of the Department of Justice, 5 copies; to the law library of the Judge Advocate General of the Army, 2 copies; to the Secretary of the Senate for the use of committees of the Senate, 30 copies; to the Clerk of the House of Representatives for the use

of the committees of the House, 35 copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justices thereof in the conference room, robing room, and courtroom, 3 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, 7 copies; to the Secretary of War for military headquarters which now exercise or may hereafter exercise general court-martial jurisdiction, such number, not to exceed in time of peace 25 copies, as the Secretary of War may from time to time specify; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy.

"The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them: *Provided*, That this act shall not be construed so as to require that reports and digests printed prior to the date of approval of this act shall be furnished to the Secretary of War for military headquarters.

"No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

"The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

"The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder."

Mr. CUMMINS. Mr. President, I desire to offer certain amendments to the bill. The bill proposes to authorize the furnishing of the War Department with 18 additional copies of the Supreme Court Reports. Since the bill was reported I have had communications from several of the departments of the Government with regard to additional Supreme Court Reports. The first is from the Interstate Commerce, and I offer an amendment, on page 3, in lines 10 and 11, to strike out the words "the Interstate Commerce," and in line 18, after the semicolon, to insert the words "to the Interstate Commerce Commission, 16 copies." It is perfectly apparent that the Interstate Commerce Commission needs more than the one copy that is now provided in the law for its use.

Mr. KING. What other changes are proposed to be made by the bill in the existing law?

Mr. CUMMINS. The bill as reported provided for 18 additional copies of the Supreme Court Reports for the War Department. I can read the committee report if it shall be thought necessary to do so, but I will state that there is no doubt that additional copies of the reports are needed. So I offer the amendment which I have presented. Of course, I do so without the authority of the committee and on my own responsibility.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Iowa is agreed to.

Mr. CUMMINS. Mr. President, I offer a further amendment to the bill which was suggested by the Secretary of State after the bill was reported. This amendment is to furnish one copy of the reports to the United States Court for China, which is not included in the present law. On page 2, line 4, after the word "courts," I move to insert the words "the United States Court for China." That would authorize the Attorney General to furnish one copy of the Supreme Court Reports to the United States Court for China.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Iowa is agreed to.

Mr. CUMMINS. I shall offer a still further amendment, but before doing so I will read a letter, which I have received from the Chief Justice of the Supreme Court of the United States. His letter is addressed to me and states:

In Senate bill No. 3841, a bill to provide for the distribution of the Supreme Court Reports, etc., there is on page 4, line 4, a provision to furnish the marshal of the court with three copies of the United States Supreme Court Reports for use in the court room, conference room, and robing room.

That is the present law.

These volumes are in constant use by the members of the court during sessions of the court. Three copies are hardly enough. It would be a great convenience to the court if the number were increased from three to six copies.

I offer an amendment on page 4, line 4, to strike out the word "three" and to insert in lieu thereof the word "six."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CUMMINS. I desire to offer one further amendment. Since the distribution of the Supreme Court Reports was provided for in the law as it now is we have established the office of legislative counsel for both the House and the Senate. It is known generally as the legislative drafting service. Its members have constant need for copies of the reports of the Supreme Court of the United States. I have a letter from Mr. Frederic P. Lee, legislative counsel of the Senate, and Mr. Beaman, legislative counsel of the House. Both describe the embarrassment which they frequently experience because of not having copies of the Supreme Court Reports. So I propose on page 2, line 15, after the comma, to insert the words "the office of the legislative counsel, Senate branch, the office of the legislative counsel, House branch," giving each of those branches of the service one copy.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. CUMMINS. Those are all of the amendments which I desire to offer.

Mr. SMOOT. Mr. President, nearly every year some of the departments of the Government come before the Appropriations Committee and ask that additional appropriations be made for buying law books, Supreme Court Reports, and so forth, and such appropriations have invariably been granted. I suppose that under the provisions of the law as it now stands the departments are furnished with a certain number of these reports, and the amendments of the Senator from Iowa are going to increase the number.

Mr. CUMMINS. Certainly. The law provides, just guessing roughly, I should say that 100 copies of the Supreme Court Reports shall be distributed in this manner.

Mr. SMOOT. I think provision is made for the distribution of more than that number.

Mr. CUMMINS. Those reports are in the first instance furnished to the Attorney General, and the Attorney General distributes them?

Mr. SMOOT. Yes.

Mr. CUMMINS. These are distributed free, of course, and the expense of doing so is charged to the account of the Attorney General.

Mr. SMOOT. Mr. President, for a number of years—I do not remember how many—in considering appropriations for the Department of Justice, a representative of the department has appeared before the Appropriations Committee of the Senate asking for an additional amount over and above the amount allowed by the House, and we have always given it. I wish to ask the Senator from Iowa, if we pass this bill, will not that same procedure be followed in the future?

Mr. CUMMINS. As a part of the permanent law the Attorney General is furnished with a certain number of copies for distribution to certain departments of the Government. He does not furnish any more than the law provides.

I think the Senator has in mind the appropriations that are made for other law books. There are a great many law books needed in the various departments, especially of a judicial character.

Mr. SMOOT. About $100,000 worth a year.

Mr. CUMMINS. I should think so, and probably it would be better for them if they had more information on legal subjects. This bill, however, does not relate to that subject at all.

Mr. SMOOT. I simply wanted the Senator's opinion, because if we provide for the distribution of the Supreme Court Reports by law, in the future, whenever a request is made for an additional appropriation for that purpose, I shall say, "You had better have the law amended rather than come to the Committee on Appropriations every year."

Mr. CUMMINS. I think the Senator would be justified in doing so because these are simply the reports of the Supreme Court of the United States and they are all that are authorized by law to be distributed.

Mr. KING. Mr. President, I should like to say to the Senator that, in my opinion, we made a great mistake a few years ago in compelling the printing of Supreme Court Reports by the Government. When they were under the control of the court reporter and were printed by private establishments the Government of the United States got them at a less price than it pays now for them and the bar had to pay less than they have to pay now. We also secured them more

promptly, and, as a rule, the arrangement was more satisfactory than the present system. I hope that we will go back to the old system because the Government does not print the reports as expeditiously or sell them as cheaply as under the old system.

Mr. SMOOT. Mr. President, I wish to call my colleague's attention to the fact that the proportionate share of the overhead expense of the Government is charged to the printing of those reports. It reduces the balance of the overhead, and, while it may add a trifle to the cost, so far as the result is concerned, the Government of the United States would have the same expense, outside of the cost of the paper and the setting up of the type, even if the reports were printed outside. Therefore, whatever we make toward paying the overhead expense of the Government because of the change in the method of printing puts us virtually that much ahead.

Mr. KING. I do not understand the logic of my colleague, Mr. President. The point I am making is this——

Mr. SMOOT. I can explain it in this way——

The PRESIDING OFFICER. The Chair desires to call the attention of Senators to the fact that we are proceeding under Rule VIII and under that rule no Senator can speak longer than five minutes or more than once.

Mr. KING. I think I merely asked a question.

Mr. SMOOT. I have not spoken for five minutes.

Mr. President, my colleague will know that any institution producing a hundred books, say, will have the same identical overhead charges as if it produced 200 books. By producing 200 books it could sell them cheaper than if it produced a hundred books, and that of course is in a very small way what happens in the Government Printing Office. We do our own work, and in the end it is very much cheaper for the Government and takes less money from the taxpayers to have them printed there than to have them printed outside.

Mr. KING. Just a word. Mr. President, I will say to my colleague that when the Supreme Court Reports were printed under contract with large private printing establishments, which print thousands and hundreds of thousands of volumes a year, they were printed at less cost than that for which the Government prints them; they were sold to the Government for less than they cost the Government now, and they were sold to the profession at a less cost. I can remember when we obtained the Supreme Court Reports for $1.85 a volume. We are now paying nearly $3, and under the method adopted by the Government I have no doubt that the price will go to $4.

Mr. SMOOT. Mr. President, the cost of everything that is printed is double what it was a few years ago before we adopted the present plan.

Mr. CUMMINS. Mr. President, I only propose to take up time enough to say to the Senator from Utah that a bill is now pending before the Judiciary Committee to revise the law with regard to the printing and publication and sale of the Supreme Court Reports, but we have not been able to agree upon the bill as yet.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESTRUCTION OF PAID UNITED STATES CHECKS

The bill (H. R. 8034) to authorize the destruction of paid United States checks was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 8, after the word "preserved," to insert "*Provided further*, That such checks as may be of historic or sentimental interest may also be preserved," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States, respectively, are hereby authorized and directed to cause to be destroyed all United States Government checks and warrants issued by the Secretary of the Treasury, the Postmaster General, the Treasurer and assistant treasurers of the United States, or by disbursing officers and agents of the United States, eight full fiscal years prior to the date of destruction, which checks and warrants have been paid and form the paid-check files of the Treasury Department and of the General Accounting Office wherever stored under their respective control, after all unpaid checks and warrants have been listed as outstanding as now required by law: *Provided*, That such checks and warrants as, in their discretion, respectively, may be deemed necessary in the public interests or the legality of the negotiation of which has been questioned in any material respect by any party in interest may be preserved: *Provided further*, That such checks as may be of historic or sentimental interest may also be preserved.

SEC. 2. All claims on account of any check, checks, warrant, or warrants appearing to have been paid shall be barred if not presented to the General Accounting Office within six years after the date of issuance of the check, checks, warrant, or warrants involved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDINGS AT DECATUR, ALA.

The bill (H. R. 3797) to increase the limit of cost of public building at Decatur, Ala., was announced as next in order.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Objection is made.

Mr. FERNALD. Mr. President, no objection has been made.

Mr. HEFLIN. I hope there will be no objection.

Mr. SMOOT. I want to ask why this bill is here.

Mr. FERNALD. I will explain the matter in less than two minutes.

Mr. SMOOT. I want to say that if we are going to pass such bills as this, I want two or three passed with regard to buildings in my State, where the matter has been pending ever since 1913, with nothing done.

Mr. HEFLIN. I hope the Senator from Utah will listen to my good friend from Maine.

Mr. SMOOT. I will. That is what I rose for—to ask the reason why this bill is here.

Mr. FERNALD. Mr. President, the facts about this bill are these: It comes from my committee. We considered it very carefully.

The Government constructed a building in the city of Decatur, Ala. The plans called for a building two stories high. The war broke out. Material advanced, and the increased cost of labor made it impossible to erect a two-story building, so the plans were changed so as to provide for a one-story building. After they got well under way the public-spirited citizens of Decatur decided that they would put up the money to finish the building and make it a two-story building, such as the Government had planned, because it was necessary; and both stories are now occupied. They put on this second story at a cost of $5,600. We took up the matter with the Treasury Department, and they had no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act was announced as next in order.

Mr. BRUCE. Mr. President, I desire to offer some observations on that bill when it comes up for consideration by the Senate. I therefore ask that it be passed over.

Mr. HOWELL. I will ask the Senator from Maryland if he will not consent to the consideration of this bill now.

Mr. BRUCE. Indeed I will not. I wish to make some observations on the bill.

The PRESIDING OFFICER. Objection has been made, and the bill will be passed over.

MINNESOTA NATIONAL FOREST

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of Order of Business 670, House bill 292, to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber.

Mr. SMOOT. We are on the calendar now under a unanimous-consent agreement.

The PRESIDING OFFICER. Unanimous consent is requested for the immediate consideration of Order of Business 670. The Chair will state that under the unanimous-consent agreement we are proceeding on the calendar of unobjected bills, taking them up where we left off before.

ADDITIONAL WING FOR DISTRICT JAIL

The bill (H. R. 10204) providing an additional wing to the District jail was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, after the enacting clause, to strike out "that the District Commissioners be authorized and instructed" and to insert "that the Commissioners of the District of Columbia be authorized"; in line

6, after the word "accommodate," to insert "not less than"; and in line 7, after the word "floor," to insert "at a cost not exceeding $300,000," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be authorized to enter into contracts for the erection of a new dormitory wing of two stories at the District jail to accommodate not less than 100 beds to each floor at a cost not exceeding $300,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOPERATIVE MARKETING

The bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. McNARY. Mr. President, the bill now called to the attention of the Senate proposes important legislation granting relief to farmers. It is reported favorably.

Mr. BAYARD. Does the Senator intend to take up this bill now?

Mr. McNARY. If the Senator will just bide a moment——

Mr. BAYARD. I objected. That is the reason why I asked.

Mr. McNARY. I am just making a brief statement. The Senator from Delaware rather anticipated my remarks.

I was going to say that I appreciate that we can not properly consider this measure at this time; but within a week or such a matter I propose to ask that it be made the unfinished business. To-day, of course, I will ask that it go over, on account of the small time remaining between now and the end of the hour.

The PRESIDING OFFICER. The bill will be passed over.

CITY OF LAKELAND, FLA.

The bill (S. 3691) to convey to the city of Lakeland, Fla., certain Government property was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the word "Florida," to insert "*Provided, however*, That the city of Lakeland shall not have the right to sell or convey the described premises, nor to devote the same to any other than street purposes, and shall not erect thereon any structures or improvements except such as are incidental to such purposes; and in the event that said premises shall not be used for street purposes and cared for and maintained as such, the right, title, and interest of the United States hereby authorized to be conveyed shall revert to the United States," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey by the usual quitclaim deed to the city of Lakeland, Fla., for street purposes and no other, that portion of the present post-office site in said city 5 feet in width and which extends alongside Lemon Street a distance of 122 feet for the purpose of widening said Lemon Street as provided for in the city ordinances of the said city of Lakeland, Fla.: *Provided, however*, That the city of Lakeland shall not have the right to sell or convey the described premises, nor to devote the same to any other than street purposes, and shall not erect thereon any structures or improvements except such as are incidental to such purposes; and in the event that said premises shall not be used for street purposes and cared for and maintained as such, the right, title, and interest of the United States hereby authorized to be conveyed shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CENTERVILLE, IOWA

The bill (H. R. 3971) to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5353) to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876), was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MONUMENT TO GEN. SIMON BOLIVAR

The bill (S. 2643) to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar was announced as next in order.

Mr. KING. Mr. President, the Senator from Ohio [Mr. FESS] will recall that when this bill came up a few days ago one of the Senators objected to its consideration.

Mr. FESS. That was the chairman of the Foreign Relations Committee, the Senator from Idaho [Mr. BORAH]. He informs me that he has no objection.

Mr. KING. The Senator from Idaho, then, is satisfied with it?

Mr. FESS. Yes; he has notified me that there is no objection to it.

Mr. KING. And the Foreign Relations Committee is satisfied?

Mr. FESS. I assume so. I did not talk with any other member of the committee.

Mr. KING. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to enable the Secretary of State to pay such sum to the Government of Panama as the contribution of the United States toward the erection in the city of Panama of a monument to Gen. Simon Bolivar pursuant to a resolution adopted at the fifth international conference of American States, held at Santiago, Chile, in 1923.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PACKERS AND STOCKYARDS ACT, 1921

The bill (H. R. 7818) to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, was announced as next in order.

Mr. KING. Let that go over.

Mr. NORBECK. Mr. President, may I say a word?

Mr. KING. Yes; I will withhold my objection.

Mr. NORBECK. The purpose of this bill is to give the Department of Agriculture a trifle more power. They find that under the packers and stockyards act of 1921 they are permitted to designate places where stock may be weighed, but the act has been so construed that they can not designate the agency in St. Paul, which everybody uses, because it is a State agency—the State Warehouse Commission. The whole purpose of this bill is to give them so much additional power that they may designate that State agency at that stockyard to weigh the stock. That is all that is in the bill. It has passed the House and is unanimously recommended by the Senate committee.

Mr. KING. I withdraw the objection.

Mr. BRUCE. Mr. President, I should like to ask a question about the bill. I do not understand why this bill did not go to the Interstate Commerce Committee. It relates to interstate commerce in certain commodities.

Mr. NORBECK. The Agricultural Committee has handled all along the legislation to which this bill refers.

Mr. BRUCE. I do not see why it should handle it. I do not see any difference between transporting chickens and transporting wheat or corn.

Mr. McNARY. Mr. President, the original act providing regulation for the stockyards and packers was referred to the Committee on Agriculture and Forestry. The annual agricultural appropriation bill carries the appropriation for the maintenance and operation of this governmental department. Consequently, all measures that in any way affect the packers and stockyards act go to that committee, having original jurisdiction.

Mr. BRUCE. What is the nature of this bill? I have never had occasion to examine it.

Mr. NORBECK. At the present time the packers and stockyards act gives the Department of Agriculture certain regulatory powers, among which is that of designating the places and the methods by which livestock are weighed. That is for the protection of the public, but it is held that they can not designate a State agency. It happens in St. Paul that the State maintains these weighing equipments, and they can not do official weighing under the present law, but they could if we should pass this bill, and it should meet with the approval of the Department of Agriculture, which it will, but it is optional with them even after we pass the bill.

Mr BRUCE. Does it just relate to the weighing of livestock and livestock products; dairy products?

Mr. NORBECK. Yes; the places at which they may be weighed, and by whom.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BRUCE. I make none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3148) to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia was announced as next in order.

Mr. KING. Mr President, there are one or two Senators who are not on the floor now who I understand have some questions about this bill. I ask that it be temporarily laid aside until they return.

The PRESIDING OFFICER. The bill will be temporarily passed over.

UNIFORMS FOR DISTRICT POLICEMEN AND FIREMEN

The bill (H. R. 3807) granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 3, after the word "That," to insert "for furnishing"; in line 5, after the word "duty," to strike out "shall be furnished without charge to," and to insert "there is hereby authorized to be appropriated a sum not exceeding $75 per annum for each member of the"; in line 8, after the words "police and," to strike out "to"; and in line 9, after the words "District of Columbia," to insert "to be expended subject to rules and regulations to be prescribed by the Commissioners of the District of Columbia," so as to make the bill read:

Be it enacted, etc., That for furnishing uniforms and all other official equipment prescribed by department regulations as necessary and requisite in the performance of duty there is hereby authorized to be appropriated a sum not exceeding $75 per annum for each member of the Metropolitan police and officers and members of the fire department of the District of Columbia, to be expended subject to rules and regulations to be prescribed by the Commissioners of the District of Columbia.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMMERCIAL UNION ASSURANCE CO. (LTD.)

The bill (S. 107) for the relief of the Commercial Assurance Co. (Ltd.) was announced as next in order.

Mr. KING. Mr. President, will the Senator from Delaware explain the purposes of this bill, and the cost to the Government?

Mr. BAYARD. Mr. President, this bill is to provide for the reimbursement of an insurance company which insured the Government against the loss of certain Federal securities which were sent through the mails. The securities were put into a registered-mail package, and the sack was robbed out in Kankakee, Ill., in 1922, within a few hours after the shipment. Part of the securities were recovered. The thieves were overtaken and are now spending their time in jail, but the remaining securities set up in the bill have never been presented for payment. They have matured. The Treasury Department was duly notified at the time of the loss, and a stop order was put through all the Federal banks to prevent anybody making application to take down these securities. The Treasury Department approves the bill as to form, and the usual bond is to be given to indemnify the Government in case the securities come up later.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 2, line 16, after "1922," to strike out "maturing" and to insert "matured," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Commercial Union Assurance Co. (Ltd.), United States Treasury certificates of indebtedness numbered 5496, in the denomination of $5,000, and numbered 22718, 22720, 651, 669, and 671, in the denomination of $1,000 each, series TS–1922, dated September 15, 1921, matured September 15, 1922, with interest from September 15, 1921, to September 15, 1922, at the rate of 5¼ per cent per annum; United States Treasury certificate of indebtedness numbered 3231, in the denomination of $5,000, series TS2–1922, dated November 1, 1921, and matured September 15, 1922, with interest from November 1, 1921, to September 15, 1922, at the rate of 4½ per cent per annum, without presentation of the said certificates of indebtedness or the coupons representing interest thereon from the respective dates of issue to the date of maturity thereof, the certificates of indebtedness having been lost, stolen, or destroyed; and that the Secretary of the Treasury be, and he is hereby, further authorized and directed to redeem, after March 15, 1926, in favor of the Commercial Union Assurance Co. (Ltd.), United States Treasury notes numbered 12645, in the denomination of $10,000, and numbered 49177, 49178, 49179, 49180, and 49181, in the denomination of $1,000 each, series A–1925, dated February 1, 1922, matured March 15, 1925, with interest from February 1, 1922, to March 15, 1925, at the rate of 4¾ per cent per annum, without presentation of the said Treasury notes or the coupons representing interest thereon from February 1, 1922, to March 15, 1925, the notes having been lost, stolen, or destroyed: *Provided*, That the certificates of indebtedness and Treasury notes shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Commercial Union Assurance Co. (Ltd.) shall first file in the Treasury Department of the United States a bond or bonds in the penal sum of double the amount of the principal of the said certificates of indebtedness and the interest payable thereon, and of double the amount of the principal of the said Treasury notes and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness and Treasury notes hereinbefore described or the coupons belonging thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the Commercial Union Assurance Co. (Ltd.)."

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. HOWELL. Let that go over.

Mr. BAYARD. Mr. President, will the Senator withhold his objection for a moment in order that I may explain the bill?

Mr. HOWELL. Yes.

Mr. BAYARD. In 1867 there was in Boston a man named Hartwell who was the cashier of the subtreasury of the United States. He robbed the subtreasury of the United States of certain funds in his control at that time. He had a confederate whom he went to when he found he had to pass his accounts with the idea of getting sufficient money back into the subtreasury in Boston to show a proper balance of his books; and through this confederate several banks in and about Boston were robbed with the connivance of their cashiers, the Newton National Bank being one of those banks, so that this money was received by an officer of the Federal Government and put into the Federal Government's vaults, knowing it to be stolen funds.

Thereafter the bank was broken; the Newton National Bank was completely bankrupt; some of the depositors became bankrupt; some of the stockholders of the bank became bankrupt when the proper assessments were made upon them. This claim is to reimburse the Newton National Bank, which is

still a going concern, for the interest on these moneys. It is true that the Government did pay back the principal, but only after suit was brought in the Court of Claims, and the principal of the moneys was finally paid back in 1882.

This is not a case where interest is sought on moneys which the Government had properly obtained. The moneys obtained by the Government in this case were obtained through its own agent, Hartwell, the cashier of the subtreasury there in Boston, as a pure thief, and the Government was accepting stolen funds.

In other words, the Government received stolen moneys, knowing them to be stolen, and kept them, and only gave them up when compelled to do so by legal process. For upward of 14 years the Government kept this property, knowing it was stolen property all the time, and only gave it up under judicial process. This bill is merely to pay the interest on the money held by the Government during that period. That is the purpose of the bill.

I will say one other thing: This bill has four times been favorably reported by the Committee on Claims in the Senate. It has twice passed the Senate in the sum now carried. It has been several times reported favorably in the House, and it has twice passed the House carrying this sum, but never during the same session of Congress has the necessary legislation been passed.

Mr. HOWELL. What was the amount stolen?

Mr. BAYARD. Three hundred and seventy-one thousand and some odd hundred dollars. I will say to the Senator that the interest is at 4½ per cent during the period in which the Government had possession of the money. An examination of the rates at that period discloses that that was the rate the Government was getting on its own money.

Mr. HOWELL. For how many years is the interest figured?

Mr. BAYARD. From 1867 to 1882, when the principal was paid back. The calculation is all made. I do not have it before me, but the calculation was most carefully made. I have been over the figures myself.

Mr. HOWELL. I suggest that it go over, and we can take it up again.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

CLAIMS ARISING FROM THE SINKING OF THE "NORMAN"

The bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman* was announced as next in order.

Mr. KING. Let that go over.

Mr. McKELLAR. The Senator asked that this bill go over before. I hope the Senator will permit the matter to be determined.

Mr. KING. Of course, it is exceedingly unpleasant to me to object to a bill which has so many elements of appeal to one's sympathy.

Mr. McKELLAR. It is not a question of sympathy; it is a question of right. These people were drowned in a Government boat.

Mr. KING. That may be. The contention is that a tort was committed by some person. The bill proposes to establish a policy which has been reported adversely upon by the Attorney General and one which the Government has not yet adopted.

A joint committee has been appointed, to consist of three members of the Judiciary Committee and a similar subcommittee from the Committee on Claims, appointed by the Senator from Colorado [Mr. MEANS], to go into this entire subject. Mr. UNDERHILL, of the House, has reported a bill dealing with the question of torts against the Government, and the whole matter, because it involves a very great question, is being considered and will be considered. I think it would be improper for us to pass a bill now which would commit the Government to a policy which heretofore has been frowned upon by all our predecessors and which is to-day opposed by the Department of Justice. All I ask of the Senator is to let the matter go over until this joint committee, which will function as soon as possible, shall take the matter up and see if it can agree upon some appropriate legislation.

Mr. McKELLAR. Mr. President, I would like to make a statement in reference to this matter. This is the case where the officers of a Government steamer at Memphis invited members of an engineering convention to go down the river upon the steamer. The steamer sank and many lives were lost. It was a Government steamer, and the report was that the Government officials were entirely at fault, that the steamer was not seaworthy and was known not to be so by some at the time.

The Senator says it is against all precedent. I do not know of any precedent better established in this country than that citizens are entitled to a trial of their wrongs in the vicinity in which they were committed. Local self-government is one of the oldest principles of our Government. All this bill would do would be to confer jurisdiction upon the local court to hear and determine these cases. It would not affect any right. If I were asking that claims be allowed on behalf of these people, the Senator's objection would certainly have more merit. Then, I take it, it might be urged that we ought to furnish a tribunal. I thought this was the proper course, and I think it is proper, simply to give the right to these citizens to sue the Government in the locality in which the trouble occurred.

I want to say to the Senate that, so far as waiting on a committee is concerned, if we wait on this committee to establish some arrangement by which these matters can be looked after, justice will be denied these worthy claimants. If the committee now has it in control, the passage of this bill would form no precedent, but would simply secure the enactment of a measure that would do justice in this particular case.

I hope the Senator will withdraw his objection.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McNARY. I am very much touched by the sympathetic remarks of the Senator from Tennessee; but I thought under the rule when an objection was made we would pass to the next number on the calendar.

Mr. McKELLAR. The Senator from Utah had withdrawn his objection to permit me to make a statement.

Mr. KING. I had not done just that. I stated that I felt constrained to object.

Mr. McNARY. I so understood the Senator.

Mr. KING. I stated that I regretted to do so.

Mr. McKELLAR. Is it in order at this time to move that the Senate proceed to the consideration of the bill?

The PRESIDING OFFICER. Under the unanimous-consent agreement, only unobjected bills were to be considered at this time. Under objection, the bill will be passed over.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DICKINSON of Iowa, Mr. SUMMERS of Washington, Mr. MURPHY, Mr. TAYLOR of Colorado, and Mr. COLLINS were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 54, 55, 56, and 57 to the said bill, and that the House had receded from its disagreement to the amendment of the Senate No. 64, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 10425, the legislative appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments, accept the invitation of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. CURTIS, Mr. JONES of New Mexico, and Mr. HARRIS conferees on the part of the Senate.

KATE T. RILEY

The bill (S. 2674) for the relief of Kate T. Riley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "appropriated," to insert the words "and in full settlement against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Kate T. Riley, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $481, which said sum represents the amount paid to the United States by the said Kate T. Riley to cover the loss of public funds stolen from the money-order division of the post office at Mobile, Ala., on January 12, 1924.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUILDINGS FOR REPRESENTATIVES ABROAD

The bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America was announced as next in order.

Mr. KING. That is a rather important bill.

Mr. EDGE. I will be glad to say a word on the bill if necessary. I thought it was pretty well understood.

The PRESIDING OFFICER. Is there objection to its consideration?

Mr. BRATTON. I object.

Mr. EDGE. Will the Senator withhold his objection?

Mr. BRATTON. I withhold the objection.

Mr. EDGE. Mr. President, this bill, while a very important measure, is in the interest of economy. It provides permission to look into the necessity of public buildings abroad, so that our country may be placed in a position somewhat equal to that of other countries of the world in the matter of the housing of its foreign representatives.

I have said the bill was in the interest of economy, because it is clearly proven, as is stated in the report, that if we can concentrate and centralize our activities in some of the capitals in Europe we will save thousands and thousands of dollars.

This bill passed the House without a roll call and has the indorsement of the Secretary of State. At a House hearing it had the indorsement of Secretary Hoover, former Ambassador Davis, and Ambassador Herrick. I can not believe that anyone would really oppose the bill if he understood it.

Mr. WILLIS. Will not the Senator add also that the report of the Committee on Foreign Relations was unanimous?

Mr. EDGE. It is reported unanimously by a subcommittee of the Committee on Foreign Relations.

Mr. BRATTON. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, on page 1, line 6, to strike out the words "authorized by" and to insert in lieu thereof the words "made pursuant to"; on page 4, line 24, after the word "therefor," to strike out the words "within the scale of compensation usually paid for like services," and to insert the words "not exceeding in any case 5 per cent of the cost of construction or remodeling of the properties in respect to which said special services are rendered," so as to make the bill read:

Be it enacted, etc., That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made pursuant to this act, in foreign capitals and in other foreign cities, sites and buildings, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating, to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government.

SEC. 2. (a) There is hereby established a joint commission, to be known as the Foreign Service Buildings Commission, and to be composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Committee on Foreign Relations of the Senate, and the chairman and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives. A member of the commission may continue to serve as a member thereof until his successor has qualified.

(b) It shall be the duty of the commission to consider, formulate, and approve plans and proposals for the acquisition and utilization of the sites and buildings authorized by section 1, and of sites and buildings heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, including the initial furnishings of such buildings and the initial alteration and repair of purchased buildings and grounds. The commission established by the act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922," approved March 2, 1921, is hereby abolished.

(c) The commission shall prescribe rules and regulations for carrying into effect the provisions of this act, and shall make an annual report to the Congress.

SEC. 3. Buildings and grounds acquired under this act or heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may, subject to the direction of the commission, be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for all work of construction, alteration, and repair under this act are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, in the judgment of the commission, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States.

SEC. 4. For the purpose of carrying into effect the provisions of this act there is hereby authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service building fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this act the Secretary of State, subject to the direction of the commission, may enter into contracts for the acquisition of the buildings and grounds authorized by this act. In the case of the buildings and grounds authorized by this act, after the initial alterations, repairs, and furnishing have been completed, subsequent expenditures for such purposes shall not be made out of the appropriations authorized by this act.

SEC. 5. The Secretary of State is empowered, subject to the direction of the commission, to collect information and to formulate plans for the use of the commission and to supervise and preserve the diplomatic and consular properties of the United States in foreign countries and the properties acquired under this act. In the collection of such information and in the formulation of such plans he may, subject to the direction of the commission, obtain such special architectural or other expert technical services as may be necessary and pay therefor not exceeding in any case 5 per cent of the cost of construction or remodeling of the properties in respect to which said special services are rendered, from such appropriations as Congress may make under this act, without regard to civil service laws or regulations and the provisions of the classification act of 1923.

SEC. 6. The authority granted to acquire sites and buildings by purchase shall, in cases where it is impossible to acquire title, be construed as authority to acquire the property by lease for a term sufficiently long, in the judgment of the commission, to be practically equivalent to the acquisition of title.

SEC. 7. The act entitled "An act providing for the purchase or erection, within certain limits of costs, of embassy, legation, and consular buildings abroad," approved February 17, 1911, is repealed, but such repeal shall not invalidate appropriations already made under the authority of such act.

SEC. 8. This act may be cited as the "Foreign Service buildings act, 1926."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF IMMIGRATION ACT OF 1924

The bill (H. R. 6238) to amend the immigration act of 1924 was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Before the bill is put over will the Senator withhold his objection, that I may offer amendments and have them printed in the CONGRESSIONAL RECORD?

Mr. KING. I am glad to do so.

Mr. WADSWORTH. This bill has been reported by the Committee on Immigration with an amendment, which I presume of course would have to be acted upon before any other amendment. However, I am very anxious that amendments I intend to propose shall be proposed at this time, of course

without prejudice to the committee amendment, in order that it may be printed in the RECORD. I ask unanimous consent to propose amendments at this time, and ask that the proposed amendments be printed in the CONGRESSIONAL RECORD, giving notice at the same time that when this bill is reached, at a time when we can take it up, I intend to propose the amendments I have just sent to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendments will be printed in the RECORD, and the bill will be passed over.

The amendment is as follows:

Amendments intended to be proposed by Mr. WADSWORTH to the bill (H. R. 6238) to amend the immigration act of 1924, viz:

On page 1, line 6, strike out the words "word 'or'" and all of line 7 and the words "reads as follows" in line 8 and insert in lieu thereof the word "following."

On page 2, at the end of line 2, strike out the period, insert a semicolon, the word "or," and a new subdivision as follows:

"(g) An immigrant who is the wife or the unmarried child under 18 years of age of an alien legally admitted to the United States prior to July 1, 1924, for permanent residence therein, who has declared his intention in the manner provided by law to become a citizen of the United States and still resides therein at the time of the filing of a petition under section 9: *Provided*, That such wives and minor children shall apply at a port of entry of the United States in possession of a valid unexpired nonquota immigration visa secured at any time within one year from the date of the passage of this act: *Provided further*, That the number of such wives and minor children admitted as nonquota immigrants shall not exceed 35,000, the distribution thereof to be apportioned equitably among the various nationalities on the basis of the number of relatives petitioned for by such aliens resident in the United States under rules and regulations to be prescribed by the Secretary of Labor."

BILLS PASSED OVER

The bill (S. 1752) for the relief of the Near East (Inc.) was announced as next in order.

Mr. MEANS. I ask that the bill may go over. I want to read it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2929) to authorize the refunding of certain certificates of indebtedness issued by carriers in interstate commerce, and for other purposes, was announced as next in order.

Mr. MCNARY. The Senator from Idaho [Mr. GOODING] is necessarily absent from the Chamber. I should like to have the bill passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

SCHOOL LANDS

The bill (S. 564) confirming in States and Territories titles in lands granted by the United States in aid of common or public schools was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That, subject to the provisions of subdivision (b) of this section, the United States relinquishes to any State or Territory all right, title, and interest of the United States to the lands, irrespective of their character, granted to such State or Territory by numbered sections or otherwise for the support of or in the aid of common or public schools; unless land has been granted to, and/or selected by and certified to, any such State or Territory in lieu of and/or as indemnity land for any land so granted by numbered sections or otherwise, and in that case such relinquishment shall be limited to such indemnity or in lieu lands.

(b) Any lands included within a permanent reservation for national purposes, or subject to valid adverse claims of third parties, are excluded from the provisions of this act; and lands included within any military, Indian, or other reservation, or specifically reserved for water-power purposes, are included within the purposes of this act only from the date of extinguishment of such reservation and the restoration of such land to the public domain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF CIVIL SERVICE EMPLOYEES

The bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof was announced as next in order.

Mr. WILLIS. That is a very important bill. I dislike to object to its consideration, but in the three minutes remaining we can not consider it.

The PRESIDING OFFICER. The bill will be passed over.

JURISDICTION OVER THE CONDUIT ROAD

The bill (S. 3790) to provide for transfer of jurisdiction over the Conduit Road, in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That jurisdiction and control over the Conduit Road for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of said road, the center of which is coincident with the center of the water-supply conduit, is hereby transferred from the Secretary of War to the Commissioners of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said commissioners for public improvements, the same as other private property in the District of Columbia: *Provided*, That all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent that immediately following the passage of the bill there be inserted in the RECORD the committee report upon the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 602, Sixty-ninth Congress, first session]

PROVIDING FOR TRANSFER OF JURISDICTION OVER THE CONDUIT ROAD IN THE DISTRICT OF COLUMBIA

Mr. CAPPER, from the Committee on the District of Columbia, submitted the following report, to accompany S. 3790:

The Committee on the District of Columbia, to whom was referred the bill (S. 3790) to transfer jurisdiction over the Conduit Road in the District, having considered the same, report favorably thereon, with the recommendation that the bill do pass.

The object of the bill is to vest in the District Commissioners full control over the Conduit Road between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of the road, jurisdiction over which will be retained by the Secretary of War for the maintenance, repair, and protection of the aqueduct tunnel lying thereunder.

At the present time the portion of Conduit Road west of the distributing reservoir is under the jurisdiction and control of the War Department, which has charge of the water-supply system of the District of Columbia. The road was built originally for the purpose of maintaining and repairing the aqueduct, and the cost of maintaining it has been charged against the water revenues of the District of Columbia. Nevertheless it is a public highway, serving a section of the District that is very rapidly developing as a residential district. The War Department, through the United States engineer office, considers that although the Conduit Road is a public highway and is maintained so that extensive traffic can use it, that fact does not warrant the department (solely interested in the water-supply system) in installing sidewalks and other street facilities. These are properly functions of the District government. The commissioners, however, as long as jurisdiction is vested in the Secretary of War, can not levy assessments for public improvements along the road, which is the only one in the District of Columbia except park highways which is not under their control.

The result of this situation is that school children and many other persons are required for a distance of about 2 miles to use the roadway because of the absence of even a cinder path along the road. Pedestrians are constantly in danger of injury, and vehicular traffic is severely impeded. Furthermore, property owners in the vicinity of the Conduit Road are unable to obtain such improvements as electric lights, gas, street lights, sewers, water, and sidewalks.

Because of the strong demand of the many people living near the Conduit Road study has been given by the District Commissioners and city-planning agencies of the Federal and District Governments to the needs of the section which it traverses. If control is vested in the commissioners, as contemplated by this bill, it is planned to establish a center parking 19 feet wide above the conduit, jurisdiction of which will remain vested in the Secretary of War, and to have two 21-foot roadways on either side. There will be space reserved for sidewalks, trees, and public parking, with provision for sewer, water, and other underground connections. Most of the required land can be acquired by dedication, the commissioners believe.

The proposed transfer of control of the road is entirely agreeable to the Secretary of War, as will be noted by reference to his letter of April 12 hereto appended. Also appended and made a part of this report is a letter of the District Commissioners, dated March 30, 1926, approving and recommending the proposed legislation for the reasons stated therein.

WAR DEPARTMENT,
Washington, April 12, 1926.

Hon. ARTHUR CAPPER,
Chairman Committee on the District of Columbia,
Chairman Committee on the District of Columbia,

DEAR SENATOR CAPPER: The receipt is acknowledged of your letter of the 5th instant, requesting my views concerning the bill (S. 3790, 69th Cong., 1st sess.) to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia.

In reply I would state that the transfer of jurisdiction over the Conduit Road to the Commissioners of the District of Columbia as contemplated by this bill is agreeable to the War Department. The 19-foot strip which the bill proposes to reserve to the War Department is believed to be all that will be needed for the maintenance, repair, and protection of the aqueduct tunnel for which the department is responsible.

The Conduit Road is in fact a public highway through a section the development of which is rapidly increasing. The road was built originally for the purpose of maintaining and repairing the aqueduct, and the cost of maintaining it has been charged against the water revenues of the District of Columbia. Since it is at the present time a public highway, it is but fair that it be put on the same basis as the other streets of the city.

I accordingly recommend that the bill be given favorable consideration by Congress.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 30, 1926.

Hon. ARTHUR CAPPER,
Chairman Committee on the District of Columbia,
United States Senate, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to inclose herewith a draft of a bill to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia from the Secretary of War to the commissioners, which they request be introduced during the present session of Congress.

Many requests have been received during the past several years from property owners in the vicinity of the Conduit Road for street improvements, such as sidewalks, lights, etc. School children and other persons are required to use the roadway because of the absence of sidewalks, with the result that pedestrians are constantly subject to injury due to the heavy vehicular traffic on the road.

City-planning agencies of the Federal and District Governments have been studying the matter of providing sidewalks, roadways, sewer and water facilities, lights, and other public improvements along the Conduit Road during the past year, and as a result it is the consensus of opinion that the road should be transferred to the jurisdiction of the commissioners so that a definite plan for its improvement may be adopted and put into effect. At the present time the Conduit Road west of the distributing reservoir is under the jurisdiction and control of the War Department, and the District government is, therefore, without authority to provide the desired improvements.

The United States engineer office, in charge of the Washington Aqueduct, is interested only in the water-supply system. That office holds that although the Conduit Road is a public highway and is maintained so that extensive traffic can use it, that fact does not warrant any attempt to install sidewalks and other street facilities. This is assumed to be a function of the District government.

The proposed plan for the improvement of the Conduit Road contemplates a center parking 19 feet wide, two roadways, each 21 feet wide, and two 30-foot strips between the building lines and the curb lines for sidewalks, tree space, and public parking. This plan provides that the south roadway shall be lower than the north roadway in order to permit of sewer, water, and other underground connections to houses on the south side of the road, which would otherwise be impracticable. The commissioners believe that most of the land required for carrying out the proposed street plan can be acquired by dedication.

It will be noted that the center 19-foot strip within the lines of the road will remain under the jurisdiction of the Secretary of War, so that the War Department will continue to exercise supervision over the water-supply conduits.

By enacting the bill submitted, any doubt as to the validity of assessments against abutting private property incident to public improvements will be entirely dissipated.

The commissioners desire to call attention to the fact that the Conduit Road between the distributing reservoirs and the District line is the only public highway, with the exception of park highways, in the District of Columbia not under their jurisdiction.

The Conduit Road Citizens' Association and other civic and citizens' associations immediately concerned strongly advocate the improvement of the Conduit Road as herein contemplated.

It is the opinion of the commissioners, in view of the rapid development of private property in the vicinity of the Conduit Road, that the time has arrived when this road should be provided with sidewalks, street lights, and other public improvements.

Very respectfully,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

COLUMBIA HOSPITAL FOR WOMEN

The bill (S. 2729) to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to refund to the Columbia Hospital for Women and Lying-in Asylum the sum of $25,000 required to be paid into the Treasury of the United States from the surplus revenues of said hospital under the provisions of the District of Columbia appropriation act approved June 29, 1922, which said amount was so covered into the Treasury of the United States, 60 per cent to the credit of the District of Columbia and 40 per cent to the credit of the United States.

SEC. 2. That there is authorized to be appropriated to carry out the provisions of this act the sum of $25,000, payable 60 per cent from the revenues of the District of Columbia and 40 per cent from any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF REMAINS OF DANIEL F. CRUMP

The bill (S. 3887) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Daniel F. Crump from one section of Glenwood Cemetery, in the District of Columbia, to another location in said cemetery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY LOCK

The bill (S. 2305) to correct the military record of Sidney Lock, was announced as next in order.

Mr. KING. There is an adverse report on the bill, and I move that it be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER

The bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and employees, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 95) for the relief of Carlos Tompkins, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ROMUS ARNOLD

The bill (S. 2362) for the relief of Romus Arnold, was announced as next in order.

Mr. WADSWORTH. The bill has an adverse report. I move the adoption of the report, and that the bill be indefinitely postponed.

The motion was agreed to.

PAUL J. MESSER

The bill (S. 3457) providing for the appointment of Paul J. Messer as second lieutenant of Infantry, United States Army, was announced as next in order.

Mr. WADSWORTH. That bill also has an adverse report; I move that the report be agreed to, and the bill be indefinitely postponed.

The motion was agreed to.

JAMES C. BASKIN

The bill (S. 2279) for the relief of James C. Baskin, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

THOMAS G. PEYTON

The bill (S. 3330) for the relief of Thomas G. Peyton was announced as next in order.

Mr. BRUCE. Let that go over.

Mr. TRAMMELL. Will the Senator give me just a moment?

Mr. BRUCE. Certainly.

Mr. TRAMMELL. This is a case in which there was special legislation in regard to reappointments to West Point.

PUBLIC BUILDINGS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 6559.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

THE PROHIBITION LAW

Mr. EDGE. Mr. President, a subcommittee of the Judiciary Committee has concluded public hearings on proposed prohibition legislation.

I am not informed as to the disposition the committee proposes to make of the remedial suggestions before them, although the failure of the Volstead Act was fully established. In fact, it was equally demonstrated we have never had prohibition except in name.

However, in view of the efforts from some quarters to stubbornly defend and in fact to make more drastic existing legislation, notwithstanding the lie it perpetuates, the discriminations it practices, and its disastrous results, I desire at this time to clearly define the situation as I see it.

The defiant demand presented at the close of the hearings by Mr. Wheeler, who preferred to make a speech rather than answer questions, that the law be made more drastic and that constitutional guaranties be still further ignored was coupled with a pathetic appeal that Congress not only refuse modification within the law but also deny a national referendum.

In other words, the people could not be trusted. Their guardians here would bind the shackles a little closer. The public or facts be damned, for we are our brother's keeper. The usual arrogance and bluster, but much tempered as compared to former intolerance.

The facts have been bared. There is no such thing as prohibition, and our opponents are clearly on the defensive. No longer will their highly exaggerated and frequently false claims be accepted. The mask of hypocrisy has been torn away. Advocates of modification are not now styled agents of sin and corruption. The colossal error of writing a police-court stipulation into the Constitution of the country has been fully proven. The public now realizes the miserable collapse of the Volstead Act. They will no longer be submissive under the threat of a moral issue or will they exchange admissions of failure only in whispers.

Most citizens want a temperate condition, but prohibition as decreed by the present law is and always will be impossible. The attempt to foister it has delayed real temperance, which was fast asserting itself. Because of the new habits developed through the bootlegger and home still, the return to sanity may be slow but it must be undertaken and at once.

Do not attempt to fall back on the old canard that violation of the law is confined to the large cities. The testimony proved there were more stills, all illegal, in the corn-growing sections of the country than dives in many of the congested centers.

Volstead Act violation is not sectional. It is universal.

The campaign for common sense and, of course, legal, modification of the impossible and indefensible act is now well developed and thoroughly intrenched, notwithstanding all efforts to misrepresent and befuddle the issue.

Again, as a result of this substantial progress, we are met with the astounding suggestion that any modification would be a nullification of the Constitution. I love a fair fight, but I despise one under the belt. A suggestion or inference of unconstitutionality can not be successfully defended because there is just one tribunal that can declare an amendment to the Volstead Act a nullification of the Constitution, and that tribunal is the Supreme Court of the United States.

Senators or citizens have a perfect right to their opinion, as to what is constitutional or unconstitutional, but there is only one real way to secure a definite answer, and that is by passing amendments and having them reviewed by the Supreme Court.

Likewise, the more recent smoke screen put forward that any modification of the Volstead Act which would be legal under the eighteenth amendment would be unsatisfactory or would not in any way alleviate present intolerable conditions belongs to the class best described by the old proverb, "the wish is father to the thought." Let Congress try it and see. Certainly conditions could not be worse than now.

If the pleas of millions of Americans asking for modification of the Volstead Act by legalizing beers and possibly light wines under broad constitutional interpretation is not sufficiently appealing, then let me refer to the testimony of one of Mr. Wayne Wheeler's star witnesses at the recent hearings.

Hon. Henry Raney, former prohibition attorney general of Ontario, one of the few Canadian Provinces still adhering to so-called prohibition, admitted before the subcommittee that in dry Ontario, wines and beer could be legally manufactured by citizens; further that wine of any strength could be sold in 5-gallon lots.

This system, mind you, was pronounced by Mr. Raney, the dry witness, as a success and beneficial to the health and welfare of the people of Ontario, and was submitted in comparison to Quebec, where even more liberty and governmental distribution exists. The most comprehensive modification bill before Congress to-day does not provide for the liberal treatment the drys thus defend as ideal in Ontario.

In presenting Mr. Raney our dry friends made a valuable contribution to our fight for modification of the Volstead monstrosity.

After this testimony, presented as an argument for prohibition, how can any dry refuse to join us in granting, as far as our Constitution will permit, privileges similar to those they claim have made Canadian prohibition successful. Even our drys do not claim prohibition as provided by the Volstead Act has been successful.

However, an inconsistency such as this means nothing to them. They prefer to stubbornly adhere to theoretical prohibition, and while using Ontario as an illustration of proper control, otherwise they certainly would not have called the witness, refuse to indorse it for the United States, but insist that no modification or relief should ever be applied in this country. This is pure, unadulterated hypocrisy and opposed to the best interests of our citizenship.

I repeat, do not counter with the threadbare argument that our Constitution will not permit. The Supreme Court will take care of that problem. It is for Congress alone to legislate, not to usurp judicial powers as well.

What moral right has anyone here in view of the existing conditions to anyhow deny the privilege the Constitution guaranties?

All this oratory about protecting the Constitution becomes pure bunk when Congress is denying its clear and positive terms.

In these days it seems to make a great deal of difference just what constitutional amendment is under discussion. A few days ago in this Chamber the distinguished Senator from Idaho [Mr. BORAH] apparently approved methods which had been adopted by some of the States in order to, in effect, nullify the guaranty of the fourteenth amendment, but at the same time severely criticized any efforts to liberalize the eighteenth amendment.

Surely if defeating the object of the fourteenth amendment is worthy of congratulation and approval, efforts to legally broaden the present interpretation of the eighteenth amendment, after the disastrous experience we have undergone, would justify cooperation rather than stubborn opposition.

It does not avail to argue the public will not be satisfied with what the Constitution or the Supreme Court permits. For once give the people a chance to decide for themselves. There have been too many self-appointed guardians. We are not a Nation of mollycoddles or dependents. First try it out and then your observations can be based on actual facts—not speculation.

If this remedy fails to bring relief, then in the interest of the country's welfare a more liberal interpretation of the eighteenth amendment or its repeal will be absolutely compelling. If the Supreme Court failed to uphold modification, whether we like it or not, the law will become, as it practically is now, a dead letter.

It is never treason to tell the truth. If it is, make the most of it.

To-day I propose to review all the possible remedies so far suggested. No matter what may be one's individual or personal viewpoint as to the remedy, all must agree that existing conditions surrounding the unsuccessful efforts to enforce the Volstead Act are actually appalling.

No one could have followed the testimony produced under oath at the hearings and reach any other conclusion. Neither could any one in their right senses ever expect to see anything approaching real prohibition established in this or any other country. It is high time to try to secure temperance instead.

I do not propose to-day to review that testimony. It is or soon will be a Government document and accessible to all who want the facts.

Suffice it to draw attention in passing that the deplorable conditions existing were in great part established by the testimony of Government witnesses. For anyone to contend, even with a greatly increased army of sleuths and inspectors, it will be possible in any satisfactory manner to break up the millions of stills and to prevent the millions of gallons of denatured alcohol from illegal use is an insult to intelligence. Smuggling liquors or rum row so-called sinks into insignificance. We are no longer importers. We are actually exporters and on a large scale.

I do not present these facts, Mr. President, in any spirit of pride or pleasure. No citizen can exult over disrespect for law. But the time has arrived when Congress must face these facts and no longer evade one of our most important and sacred responsibilities.

Neither will I take the time to repeat or review the testimony brought out at the hearings of the effect of present conditions on the younger generation; of the undeniable proof that the home still has transferred the saloon to the family circle; of the outrages against society in order to even make a feeble effort to enforce this sumptuary law.

Of course, as was expected, the hearings in many instances produced conflicting testimony, but the fundamental claim of failure was in no way successfully disputed. It is significant also that the ink had hardly dried on some statements made in defense by those who claimed to represent large followings before emphatic denials were registered.

For instance, Professor Fisher, of Yale, made an elaborate claim of beneficent results of the operation of the Volstead Act among college students. Immediately the student body of Yale answered by voting on the question, and by almost 4 to 1 the students and 2 to 1 the faculty of which Professor Fisher is a member stated in effect that the professor did not know what he was talking about; that drinking had actually increased in the university under alleged prohibition. Then representatives of the students appeared at the hearing to emphasize these facts. This incident well illustrates the lack of official authorization on the part of dry witnesses. Surely no one will contend that the students themselves are unfamiliar with the facts.

Again, many sincere women appeared among the witnesses for the drys, purporting to represent in total about all the women in the United States, all with the same general message, demanding perpetuation of the Volstead Act and that it was the most important bit of legislation of the century.

A well-known national organization of women, the National League of Women Voters, holding their annual convention in St. Louis, have since by a vote of 2 to 1 refused to defend prohibition and the Volstead Act, and voted for a general enforcement of all law, which, of course, is approved by every good citizen.

The annual convention of the American Medical Association, held last week in Dallas, Tex., through their board of trustees reiterated their previous demand that the restrictions of alcohol in medical prescriptions as provided by the Volstead Act be eliminated. But Mr. Wheeler says no. The thousands of physicians likewise can not be trusted.

And so these national bodies, practically simultaneously with the prohibition hearings, have frankly expressed their disapproval of the Volstead Act or of testimony in its defense.

To-day, however, as stated, I am going to deal alone with the remedies.

In considering remedies first let me refer to the remedy demanded by those who would not in any way modify the Volstead Act or amend the Constitution. Their solution, in a few words, is better enforcement.

I have no issue with this general demand, but, again, we must face the facts and not be influenced by sentiment or, what is worse, political cowardice.

I repeat it has been definitely proven through the hearings and was generally known before that this law can not be satisfactorily enforced. Any determination to stand stubbornly on that remedy is simply a willingness to continue the farce that has been fully exploded.

True, many more men and many more millions of dollars of the taxpayers' money and an abolition of all constitutional guaranties may temporarily help the situation in this section or in that, but with the existing spirit of protest and challenge justly based upon the unfairness of the Volstead Act, which is contrary to the clear terms of the Constitution, no lasting results will accrue and the problem will not be solved but only postponed, at great national cost and decay. To make the law more drastic will only accentuate this clearly indicated sentiment. Suppose we arrest half our population. Will that satisfy our guardians? But what would be the national advantage or gain?

From a real study of the situation and sincere effort to help find a legislative remedy, I have as is generally known, been convinced that modification of the Volstead Act, necessarily within constitutional limitations, would greatly alleviate the situation and, at any rate, is the first step toward a betterment of conditions.

This is in the interest of common-sense temperance as against theoretical prohibition and practical debauchery.

I recognize the representatives of the drys, so-called, have combated that contention and insist that if legislation is necessary the only remedy is the repeal or modification of the eighteenth amendment.

Now, Mr. President, let me emphasize one point right here. First, we all recognize the problem is with us. I believe we all admit, whatever our viewpoint as to the remedy, that the present situation can not be permitted to continue. Then, Mr. President, if modification would not satisfy or would not alleviate, there is only one remedy left, and that is the repeal or the modification of the eighteenth amendment. Do the drys prefer that remedy, for remedy we must have?

However, I am not prepared to admit the contention of the Senator from Idaho and those who share his views, that the modification of the Volstead Act would not be helpful in this situation. Apparently dry witnesses from Canada, who defend their liberal system, but criticize Government control, likewise disagree.

Do not assume because the Canadian so-called 2.4 beer has been declared unsatisfactory, that a stronger beer would be declared illegal under our Constitution. That beer is much weaker than our 2.75 per cent and we are contending the latter would be legally permissable. Under Federal Judge Soper's decision in the Hill case, the only Federal decision on this point available, there can be no question about it. Of course, a simple amendment to section 29 of the Volstead Act permitting home brewing of beer as it now permits home manufacture of wine and cider and apparently meeting Prohibition Director Andrews's view, would place us nearer in harmony with the Canadian dry system. While our citizens are denied that privilege, Canadian witnesses are, nevertheless, brought over by Mr. Wheeler to impress us with the success of this modification system in Canada. Personally, however, I believe manufacture should be removed from the homes and put under governmental supervision.

The determination to perpetuate this class distinction, with its discrimination as legalized by section 29, was well illustrated by a witness for the drys, Mr. Striving, representing the National Grange, the well-known farmers' organization.

When he was asked if the farmers would agree to have section 29 of the Volstead Act—the section permitting home manufacture of cider and fruit juices to a greater strength than one-half of 1 per cent—repealed, Mr. Striving frankly declared the farmers would oppose such a change. I notice in his summing up Mr. Wheeler conveniently ignored the demand of his witness for a continuation of this class recognition.

When one reads in the California Grape Grower of March 1 that almost 400,000 tons of grapes were produced in 1925, at a value of $23,000,000, as compared with 180,000 tons the year before, one can readily understand the reluctance to waive this privileged discrimination.

However, in the meantime the industrial workers who ask for cereal or malt beverages of equal strength are denied such consideration.

So far as I have been able to follow the testimony of the drys not one solitary witness, with the exception of the frank head of the grange, has defended section 29. Some witnesses when interrogated concerning it expressed lack of knowledge as to its provisions. There is little lack of knowledge to-day as to its provisions and the discrimination it provides.

Defend this inconsistency if you can. If we had half the modification the Wheelerites apparently approve for Canada, there would be little necessity for amendments to the Volstead Act.

The drys will perhaps counter by saying yes, but Mr. Raney opposed Government control of hard liquors. Yes; he did; at the same time he defended all these other liberties denied our citizens. As to Government control of hard liquors, that is another problem or another proposed remedy, and if we are to be impressed by some drys, the only one.

Practically everyone admits the arbitrary one-half of 1 per cent maximum of permitted alcohol in beverages is now indefensible. It has failed in its original object of aiding enforcement as promised by its proponents. It only applies to some beverages. It is a deception on its face, as no one to my knowledge has ever claimed it represented the maximum or even near the maximum of what is intoxicating.

To the contention that all efforts to amend the Volstead Act are in effect methods to nullify the Constitution, it is only necessary to point out that you can not nullify the Constitution by making the Volstead Act properly and fairly interpret the Constitution.

Neither can one successfully contend that an amendment to the Volstead Act permitting alcoholic beverages to the point of "intoxicating in fact" would be either unconstitutional or a nullification of the Constitution.

Neither can anyone with authority contend that a fixed maximum of 2.75 to take the place of one-half of 1 per cent would be unconstitutional; nor that the special privilege in section 29 should not be extended to all beverages. And yet the drys defend this latter contradiction.

The objection raised by opponents of the "nonintoxicating-in-fact" amendment to having courts pass upon violation of the law is a brand new theory to me. I thought we had developed and built up our country through a recognition that courts would be the final arbiter in all such matters. Certainly the court decides all other transgressions or alleged transgressions. Why should the Volstead Act be so sacred that the courts can not pass upon its provisions? They, of course, do now, and the insertion of the "intoxicating-in-fact" limitation would, while giving all citizens all the Constitution permits, simply make it necessary and proper for a jury to determine if a citizen had violated this law just as he would be tried were it alleged he had violated any other law. The effort to place this law in a different category from other laws which deal with crime is one of the outstanding and justified reasons for protest.

In this connection it is well known that the Supreme Court in upholding the constitutionality of the Volstead Act in the Rupert against Caffey case clearly stated that one-half of 1 per cent was, of course, within the limitation of the Constitution, but in no way, shape, form, or manner do they indicate that Congress did not have the power to go beyond that figure. In my judgment, Mr. President, there is entirely too much of a tendency or determination in the Senate to assume the powers of the Supreme Court. May I again emphasize that the Senate or the country will never know how much modification will stand the test of the court until the court has the opportunity to pass upon the same.

Again, decisions of Federal judges reviewing other phases of the Volstead Act can be considered with profit on this particular point. A few moments ago I referred to Judge Soper, of the Baltimore district. This is what he declared to the jury when charging them at the conclusion of the well-known Hill case, referring to section 29:

> Perhaps I might interpolate here that intoxication in this section of the law means what you and I ordinarily understand as average human beings by the word "drunkenness." If this wine was capable of producing drunkenness when taken in sufficient quantities—that is to say, taken in such quantities as it was practically possible for a man to drink—then it was intoxicating.
>
> The Government has offered some testimony here by Doctor Kelly and by Doctor Wiley and others, to the effect that it was intoxicating. I have already cautioned you, I think, that the definition of intoxication given by these two doctors, to the effect that any amount of alcohol produces an effect, therefore a toxic or intoxicating effect, does not satisfy the term "intoxicating" as used in the law.

If this judge was correct in his analysis or definition of what constitutes intoxicating liquor in that it is to be applied to the average person, there can be no reasonable doubt but what the Supreme Court would be much more liberal in its construction than is the letter of the Volstead Act. Of course, whatever the court permitted would not be intoxicating under the law.

Again, Mr. President, in this connection we must recognize the fact that section 29 of the Volstead Act, which was inserted for the purpose of permitting home production of fruit juices and cider, to which I have several times referred, has now been interpreted by the courts, both district and Federal Court of Appeals, to legalize the production in the homes of wines and ciders to the point of being "intoxicating in fact." In other words, the one-half of 1 per cent does not apply in these cases. Therefore the very language I have used in my proposed amendment to the Volstead Act has already been upheld by the Federal court.

Mr. President, these facts are pretty generally known now by the people. They recognize the injustice and inconsistency of the Volstead Act—its arbitrary one-half of 1 per cent limitation in certain cases and its more liberal interpretation in others—and they frankly contend Congress has been unfair to them. With that feeling, how can we wonder at the protest and challenge?

Much has been said in debate and otherwise about the sacredness of the Constitution. There is no room for discussion or differences of opinion as to this assertion; but when reviewing the history of the adoption of the eighteenth amendment, together with these subsequent happenings, let us for the moment consider if we have properly represented the mandate of the people.

They or their legislatures voted to ratify the eighteenth amendment. This amendment prohibits intoxicating beverages, not alcoholic beverages. Congress, however, immediately upon the eighteenth amendment becoming fundamental law proceeded to prohibit alcoholic beverages away below the point of intoxication.

Have we actually revered the Constitution in that action? Have we not invited the very challenge now so apparent? That is why I have been convinced that whatever the results, after the failure of the last seven years, it was the duty of Congress to give to the people what they voted for and to deny them nothing permissible under the clear terms of the eighteenth amendment. The other policy has failed. Do not let us talk about the sacredness of the Constitution when we have denied the public that which the Constitution guarantees. The public have a right to this modification up to legal limits whatever the result.

Let me briefly refer again to the claims that such modification will not help the situation. I diametrically differ with the Senator from Idaho and all others who share his opinion as to the result of such modification.

Apparently many of the drys likewise disagree with the Senafor from Idaho in this regard, as by presenting Mr. Raney they have shown approval of greater liberality.

I am convinced, and again my opinion is perhaps just as good or just as bad as is the opinion of the Senator from Idaho, that the Supreme Court would uphold any reasonable modification that Congress would propose.

If I am right in this contention and such reasonable modification would permit a light beer, I have not the slightest question in my mind but what it would take the place in thousands of homes of harmful concoctions and bootleggers' poison. It certainly could not increase the bootleggers' sale.

Of course, it is now history that General Andrews, Director of Prohibition, who through his experience should know more about the situation than any of us, has frankly admitted that a legal light beer properly distributed would contribute relief to his present impossible responsibility of enforcement. Of course, many of our dry friends protested against the truth, but I failed to see any criticism from the press of the land.

In these observations I have not gone into the doubtful field of State jurisdiction, although many States took good care to protect themselves from what they believed an invasion of State rights after the adoption of the fourteenth amendment. I am simply discussing the situation alone from the standpoint of congressional responsibility.

As has so often been explained, any modification of the Volstead Act by Congress does not necessarily force the maximum provided, on any State preferring otherwise. If the 2.75 or the "intoxicating-in-fact" amendments were adopted by Congress, such action would in no way prohibit Kansas or Idaho from maintaining through their State law one-half of 1 per cent, or, as some provide now, no alcohol at all, but it would not permit such States to force their will on other States preferring the Federal maximum as provided by the Federal Constitution and which, I repeat, because of the people's own mandate, should never have been denied.

We have been furnished by the representatives of the Anti-Saloon League with figures which in effect claim that before prohibition approximately 90 per cent of the beverages consumed was malt and cereal. Therefore, it must be perfectly obvious that with the return of a pure legal beverage of this character, even if lighter than some of the strong beers of the old days, it would at least contribute toward the solution we should all sincerely seek.

Much has been said about the return of the saloon. I do not propose to discuss it further than again to draw attention to the fact that pending amendments to the Volstead Act distinctly provide that beverages legalized shall not be drunk on premises where purchased. This, of course, would make the saloon impossible, although dry orators always ignore these

provisions and shout any modification would bring back the saloon. Citizens could legally have a healthy beverage for consumption in their homes rather than to resort to the destructive and illegal subterfuges which everyone realizes now exist.

As bad as were many of the saloons in the old days, it is a very serious question if they were as contaminating as the home still and the home barroom are to-day. At least, children were not permitted in saloons. They, of course, are necessarily and properly in the homes. How can anyone seriously defend this type of home influence as preferable to legalized wholesale production of beverages under Government supervision as to strength and purity and distributed in bulk to purchasers.

Sincere drys have had a rather difficult time to defend the existing law in view of the undenied evidence of the effect on the homes through the development of the still. The perfectly obvious solution is, of course, legalized wholesale manufacture of the maximum-strength beverage permitted under the Constitution.

I have not discussed the possibility of light wines. On December 16, the week after the opening of this Congress, in this Chamber, I addressed the Senate on the subject. By referring to that speech you will find that I questioned the constitutional legality of a wine specified by statute sufficiently strong to generally satisfy. But in my judgment, and in the interest of temperance, the legalizing of beer is much more important. If we are to believe the reports of home-wine production under section 29 of the present Volstead Act, as evidenced by the abnormal increase in the sale of grapes, sufficient homemade wine is anyhow produced to perhaps fill reasonable demands. Understand, under the law such wine, to be illegal, must be proven "intoxicating in fact."

Again, when mentioning this fact, I want to drive home the absolutely indefensible discrimination against beer.

At the hearings a few days ago, officers of labor organizations, representing a large army of industrial workers in this country, pleaded for a beer which could be produced under the Constitution. I am inclined to the opinion that these officials better represent the wishes and desires of these millions of men and women than do some of the guardians who have delegated themselves to represent the laboring man.

The prosperity of the workingman, which seems to have been the main claim for prohibition, has been so often exploded I will refer to it but briefly. Yes; we have been prosperous in spite of the fact we have never had prohibition. The neighboring Provinces of Canada have likewise been prosperous, and most of them have not had prohibition and none have our type of prohibition. In fact, Canada has been to some extent relatively more prosperous than the United States, for recently their dollar has sold at a premium as compared to ours. This empty claim of prosperity because of prohibition is an insult to intelligence. This country has been prosperous because economic conditions have generally made such prosperity possible. With or without prohibition, this result would have been achieved. As a matter of fact, workmen have paid in many cases much more for poisonous substitutes than they formerly paid for beer. In considering reasons for prosperity, it would be much more logical to give credit to present immigration restrictions than prohibition that does not restrict.

The one element in our country to-day where there has been less prosperity is in the large farming sections. Perhaps it is only a small matter, but, nevertheless, I have learned through hundreds of letters from the farmers of the West and Northwest that the reduction in their market for grains since cereal and malt beverages were made illegal has amounted to many millions of dollars.

I have referred only generally to the arguments of the drys purporting to refute the facts previously presented by the other side. Frankly, there seems little to say, because so far as I have been able to follow the hearings not one important item of previous testimony has been successfully refuted and little attempt, in fact, made to do so. People in these days want facts, not opinions. We have given them facts and there must be facts in reply.

I have referred to the Canadian testimony which has presented such an anomaly. In order to attack Government control and distribution of hard liquors, the witnesses were compelled to admit the benefits of modification greater than we are seeking.

Demonstrating the inconsistency of our dry friends was their effort to help their case by filing a numerously signed petition against any modification. At the conclusion of the country-wide newspaper polls when eight or nine million people went to the trouble of expressing their view by cutting out a ballot, filling it in, and spending 2 cents to mail it to the newspaper office, we were met by statements that such a vote was meaningless; that the drys had not bothered to vote. The whole proceeding was scoffed at.

Still, it was a very important matter when a petition purporting to contain 16,000 names against modification was presented by a dry witness to the Judiciary Committee. Eight or nine million voters had no standing. Sixteen thousand names solicited to a petition was weighty evidence of the country's opposition to modification.

And, Mr. President, along this same line comes the question of a national referendum. The drys have been emphatic in their claim that public sentiment in this country has not changed. They know full well if they felt at all confident in that assertion, rather than raise technical objections, they would welcome the national referendum in order to justify their loud boasts. On our side we ask for a national referendum. We welcome the people's verdict.

Even Judge Gary, president of the United States Steel Corporation, whom the drys have so often proudly quoted as favoring prohibition, has recently admitted a national referendum would be advisable. Has his advice now lost its charm?

I would like to see this Congress authorize one with three queries presented to the voters. First, as to their view of a legal modification of the Volstead Act, necessarily within constitutional limitations; second, as to their view as to the modification of or repeal of the eighteenth amendment; third, shall the Volstead Act and eighteenth amendment remain as now or be more drastic?

I recognize this Congress will pass no legislation modifying the Volstead Act, but you must recognize also that this great problem will in the meantime remain unsolved. This invasion of homes; this ruining of the young; this disrespect for law; this wholesale corruption and terrific and uneffective expense will continue until Congress itself fairly and squarely and properly meets the issue.

All right, then, let us get the word from home. I am convinced Congress will never act until that message reaches Washington. We are ready to accept this verdict. Why should not the drys, especially if they are right in their contention that the country is satisfied with the Volstead Act and the eighteenth amendment? This Congress, recognizing the deplorable and intolerable situation existing, will be faithless to its trust if it adjourns without an effort at least to secure information upon which to base future legislation. Are we fearful of this verdict? Do we contend we know better what the people want or should have than they themselves?

Do not meet this demand by a legal quibble—that there is no way to provide for a national referendum. Where there is a will, there is always a way. The Constitution in no manner prohibits it. On the contrary, the Constitution clearly gives Congress power to secure information upon which to base legislation. Perhaps Congress can not make such a referendum compulsory, but you know and I know if this Congress invites the States to provide this information for the use of Congress, every State in the Union will respond to the request. They will be only too willing to do so. In fact, individual States are already doing so on their own account. How much better and more conclusive to have the voters of each State pass on the same identical questions, which a national referendum would provide?

My friends on the other side of this Chamber recall, I am sure, and the country recalls, that the last Democratic National Convention inserted a plank in the platform of the great Democratic Party providing for a national referendum under congressional sanction in order to secure a verdict from the country as to the position to be taken on the League of Nations. Surely the great Democratic Party in ratifying that platform could have had no doubts as to the legality of the procedure.

I have no hesitancy in referring this question to the American people. I have no fear that they will not intelligently pass upon it, and I sincerely trust, following all this agitation and debate on the subject, Congress at least will grant them the opportunity.

In conclusion, permit me to again frankly draw your attention to the situation we are facing. If modification of the Volstead Act will, as has been claimed, be ineffective, then amendment or repeal of the eighteenth amendment is inevitable. I was and am willing to try the compromise. I have in no way changed my view, as expressed last December and expressed to-day, that modification would greatly help solve the problem. In fact, it has been strengthened by the hearings. But if in the view of the majority I am wrong, then that majority can not stand against amendment or repeal of the eighteenth amendment. You can not stand against it, fellow Senators, simply because as it is interpreted it is a failure

and always will be a failure. You can not stand against it simply because you can not ignore the situation which exists to-day and which unfortunately, I believe, will grow worse and worse. More curtailment of liberty will not help. It will simply result in more defiance because the Volstead Act is unwarranted and unjustified under the Constitution. If you do not want to try modification, then you who are representing the drys will drive the country to a repeal of the eighteenth amendment. I repeat I was willing and am still willing to see if the results of modification would not sufficiently alleviate the protest and challenge that the eighteenth amendment might remain.

Perhaps you are right and I am wrong, but we can not stand still.

WARD FOOD PRODUCTS CORPORATION

Mr. LA FOLLETTE. Mr. President, on February 3, 1926, I introduced a resolution (S. Res. 138) providing for an investigation of the Ward Food Products Corporation and all other corporations directly or indirectly controlled by William B. Ward or his associates.

I urged this investigation because, although William B. Ward and his associates had since 1921 been engaged in an unlawful conspiracy to secure monopoly control of the baking industry and establish a Bread Trust, the Department of Justice had not raised a finger to enforce the law and protect the American people.

On February 8, 1926, the Department of Justice filed a petition in the Federal district court at Baltimore charging William B. Ward and his associates with conspiracy in restraint of trade through their control of Ward Food Products Corporation, Ward Baking Corporation, General Baking Corporation, Continental Baking Corporation, and various subsidiaries. The petition asked the court for certain restraining orders directed primarily against the corporate defendants.

This petition, signed by the Attorney General himself, was in effect a severe indictment of the Department of Justice. It showed that this conspiracy to monopolize the Nation's bread had been conceived in 1921 or earlier and described the several mergers and combinations by which during the succeeding years Ward and his associates had established their control of the baking industry. Each of these mergers and combinations had been carried out under the very eyes of the Department of Justice, and yet during all these five years of continuing conspiracy the Department of Justice had not lifted a finger to protect the public or halt the conspirators.

Nevertheless, when the Department of Justice was finally driven into action by the public clamor which followed the incorporation of the two-billion-dollar Ward Food Products Corporation, I welcomed its action in spite of what I publicly declared to be fatal defects in its petition as originally drawn. These defects consisted primarily in the failure to require the individual defendants, William B. Ward and his associates, to divest themselves of control of the several corporations which constituted the Bread Trust. In the decree as finally drawn certain restraints were placed on Ward and his principal co-conspirators. Incomplete though these restraints upon the individual defendants are, they are considered by eminent lawyers to be the most valuable part of the decree.

On February 15, 1926, in announcing my intention to withhold action until the Department of Justice had disposed of its case, I declared:

> I serve notice now that if the Department of Justice and the Federal Trade Commission do not prosecute the action which they have instituted vigorously and in good faith I shall amend my resolution to include an investigation of the Federal Trade Commission and the Department of Justice, and press for its adoption.

Since that time that resolution has, at my request, lain on the table.

It appears now from the analysis of the consent decree prepared by Mr. Samuel Untermyer, and from information which has come to me privately, that the Department of Justice and the Federal Trade Commission did not prosecute their case in good faith.

The Continental Baking Corporation, with 106 bakeries producing a billion loaves of bread annually, is the largest unit of the Bread Trust. It is alone large enough to dominate the entire baking industry of the United States. The Department of Justice and the Federal Trade Commission alike charged it with being a combination in restraint of trade, organized in violation of the Sherman and Clayton antitrust laws. The hearings of the Federal Trade Commission developed substantial evidence in support of this charge. It was, as Mr. Untermyer says, "a plain violation of the antitrust law."

And yet under section 13 of the consent degree the charge against the Continental Baking Corporation was dismissed on the ground that a similar charge was being prosecuted against the Continental by the Federal Trade Commission. The court must have been led to believe that the Federal Trade Commission would prosecute this case in good faith. Otherwise, no judge would have agreed to the dismissal of the charge.

But the ink was not dry on the consent decree before the reactionary majority of the Federal Trade Commission abruptly stopped the hearings in the Continental case and dismissed the very complaint which had been the condition for the omission of the Continental from the court's decree.

That act constituted an outrage upon the court and a deliberate betrayal of the public trust, which can not properly be characterized until the complete details have been revealed.

I intend to go to the very bottom of this case and at another time present at length the extraordinary record and actions of the Department of Justice and the Federal Trade Commission in relation to this case from its inception. The side tracking the original investigation of the Bread Trust ordered by the Senate on the motion of the late Senator La Follette, the suppression of the complaint issued by the Federal Trade Commission in April, 1925, against the Continental Baking Corporation, the deceptive reports issued by the majority of the Federal Trade Commission in October, 1925, and the final act of apparent collusion constitute a record which requires some explanation other than mere friendship to big business.

I shall withhold formal action until I have secured certain information regarding the apparent collusion between the Department of Justice and the Federal Trade Commission in connection with the dismissal of the complaint against the Continental Baking Corporation. In the meantime I wish to lay before the Senate for its information a letter of Basil M. Manly, director of the People's Legislative Service, reviewing the principal steps in the Bread Trust conspiracy, and a letter from Samuel Untermyer, the distinguished attorney, analyzing the consent decree from a legal standpoint.

This letter of Mr. Manly is of considerable length, and I shall not at this time detain the Senate by reading it. I do wish to urge upon every Senator that at the first opportunity he read this letter of Mr. Manly, which is a brief résumé of the important occurrences in this case since its inception; and also to read Mr. Untermyer's well-considered analysis of the consent decree itself.

I ask unanimous consent that the two documents referred to be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

APRIL 20, 1926.

Mr. SAMUEL UNTERMYER,
120 Broadway, New York, N. Y.

DEAR MR. UNTERMYER: On January 25, 1926, you suggested in a telegram to Senator THOMAS J. WALSH, of Montana, which appeared in the CONGRESSIONAL RECORD, the necessity for a "broad independent investigation of the nullification of Trade Commission activities and the suppression and jockeying of antitrust law prosecution by the Department of Justice." In this connection I believe your attention should be directed to the actions of the Department of Justice and the Federal Trade Commission in the so-called Bread Trust case.

As I believe you know, the People's Legislative Service has for more than two years been engaged in an attempt to prevent a monopoly of the Nation's bread. Early in 1924 I prepared a report exposing the conspiracy, then in its formative stages, by which the Ward interests were seeking to secure control of the principal baking companies throughout the United States. Attention was directed also to the excessive profits that were being piled upon the manufacture and sale of bread. This report, which was presented to the individual Members of the Senate, resulted in the unanimous adoption, on February 16, 1924, of the La Follette resolution directing a sweeping investigation by the Federal Trade Commission of the entire baking industry.

As you doubtless know, this investigation, although ordered by the Senate, was suppressed by the reactionary majority of the Federal Trade Commission, and the Ward interests were permitted to proceed unrestrained in their conspiracy to secure control of the baking industry. The Department of Justice likewise did not lift a finger to check the formation of the Bread Trust. On December 8, 1925, I presented to the Senate and House of Representatives a memorial setting forth the facts regarding the extent of this monopoly and charging the Federal Trade Commission and the Department of Justice with gross and willful neglect of duty in permitting the formation of this monopoly. The facts presented in this memorial were fully sustained by the petition which the Department of Justice was forced to file on February 8, 1926, after the formation of the $2,000,000,000 Ward

Food Products Corporation had aroused public opinion to a point where it could no longer be ignored. Additional facts confirming my charges were developed by the Federal Trade Commission after it had renewed its complaint against the Continental Baking Corporation on December 19, 1925.

I have given this brief review merely in order that you may have before you the responsible connection which the People's Legislative Service has had with this case from its inception, and also the extent to which its charges have been sustained and vindicated.

I wish now to present to you a brief statement of the facts regarding the extent and character of the Bread Trust so far as they have been revealed, and also such information as I have been able to secure regarding the consent decree recently entered into by the Department of Justice and the Ward interests and the practically simultaneous dismissal by the Federal Trade Commission of its case against the Continental Baking Corporation.

The real Bread Trust consists in the control by William B. Ward and his associates of the three great baking companies—the Ward Baking Corporation, the General Baking Corporation, and the Continental Baking Corporation. Each of these corporations alone is large enough to secure all possible economies resulting from large-scale operations, while together, if they are operated under a common control or with a mere community of interest, they absolutely dominate the baking industry throughout the United States. They have 163 plants, located in every section of the United States, and manufacture approximately 2,000,000,000 loaves of bread a year. From their great central baking plants they serve 10,000 towns and cities.

The authorized and outstanding capital stocks of these corporations are as follows:

	Shares	
	Authorized	Outstanding
Continental Baking Corporation:		
Preferred 8 per cent (nonvoting)	2,000,000	516,694
Class A (voting)	2,000,000	291,365
Class B. (voting)	2,000,000	2,000,000
Total	6,000,000	2,807,059
Ward Baking Corporation:		
Preferred 7 per cent (voting)	500,000	318,415
Class A (voting)	500,000	84,093
Class B (nonvot ng except after 8 consecutive dividends)	500,000	500,000
Total	1,500,000	902,508
General Baking Corporation:		
Class A (nonvoting)	[1] 2,000,000	1,045,757
Class B (voting)	5,000,000	4,006,897
Total	7,000,000	5,052,654

[1] Five million shares are authorized by the charter, but 3,000,000 shares of Class A (nonvoting) were ordered canceled by the decree.

The "Big Three" together, therefore, are authorized to issue capital stock to a nominal value of $1,450,000,000 and have outstanding $886,222,100. Against this their balance sheets as of December 26, 1925, show aggregate assets of only $156,840,466. These assets include $21,159,674 for trade-marks, good will, and other similar intangible assets.

Thus it is clear that at least $600,000,000 of the outstanding capital of these baking corporations is "water." This "water" can, of course, be given real value only by maintaining excessive prices for bread. Such profiteering would be impossible if there were effective competition such as the antitrust laws contemplate, or such as is provided by the great cooperative bakeries of England.

The question, therefore, arises how far the consent decree will restore substantial competition in the baking industry and restrain further attempts at complete monopoly.

As a basis for answering this question it is necessary to examine briefly the methods by which William B. Ward and his coconspirators secured and maintained control of the "Big Three" baking corporations. Ward, as you perhaps know, is the son of Robert Boyd Ward, who in 1912 formed the Ward Baking Co., of New York, by merging several independent companies, and thus took the first step toward the creation of a monopoly of the industry. G. G. Barber, chairman of the Continental, has testified that William B. Ward has been carrying out the plans of his father.

The general form and purpose of this conspiracy has been well described in the petition of the Department of Justice in the following language:

"For a number of years last past, and more particularly since 1921, when the defendant, the United Bakeries Corporation, was formed, as hereinafter alleged, it has been the plan and purpose of certain of the defendants hereto, principally the defendants William B. Ward and Howard B. Ward, to bring all, or substantially all, of the wholesale bakeries in the United States under the control of a single gigantic corporation or some other form of common control, and thereby to eliminate all competition between the baking companies so brought under a common control in the sale of bakery products both locally and in interstate trade and commerce; to eliminate all competition between such bakeries in the purchase of ingredients and equipment; and eventually to acquire milling companies, yeast companies, and other producers of such necessary ingredients and equipment." (Petition, p. 11.)

The strategy of Ward in carrying out this plan has been in a sense Napoleonic. He has proceeded by conquest and absorption rather than by the natural processes of expansion. He has maintained his control by placing his trusted lieutenants in strategic positions.

The first aggressive step in the conspiracy was the formation of the United Bakeries Corporation in 1921. Then came the organization of the Ward Baking Corporation of Maryland to take over the Ward Baking Co. of New York, which had been established by his father but was then in control of another branch of the family. Later in the same year, 1924, the Continental Baking Corporation was forced to take over the United Bakeries Corporation and numerous independent companies. In the succeeding year, 1925, Ward secured control of the General Baking Co. of Delaware and formed the General Baking Corporation of Maryland with a nominal capitalization of $1,000,000,000 to take over the old Delaware company and such independents as might be acquired. The final step was the creation, in January, 1926, of Ward Food Products Corporation, with a nominal capitalization of $2,000,000,000, for the purpose of invading other branches of the food industry.

In this connection it may be well to note that there is some reason to believe that this last creation, the Ward Food Products Corporation, was merely a "straw man" set up to draw the fire of the Department of Justice and thus divert attention from the real monopoly which had already been established in the baking industry by securing control of the "Big Three." I direct your attention, for example, to the preposterous provisions in the charter of the Ward Food Products Corporation for the establishment of a form of "Charity trust." I submit that no sane man, particularly no one with Ward's ability as a promoter, would have included such absurd provisions in a corporate charter except for some ulterior motive. It is, of course, impossible to produce substantial evidence regarding Ward's motives, but the complacency with which the destruction of this monster corporation was accepted suggests that it was set up merely to be broken down.

Ward's plan of procedure throughout appears to have been comparatively simple. In each case he set up a holding company with broad charter provisions and the right to issue immense amounts of securities. These securities of the holding company were exchanged for the shares of existing corporations. In some cases, it is true, the plants of independents were acquired by the payment of cash secured through the sale of securities of the holding company, but these were exceptions to the general plan of procedure.

The voting power was generally lodged in the common stock of the holding company. Immediately after the organization of the holding company Ward apparently had the "dummy" directors, provided for in the charter, transfer to him all or at least a majority of the voting stock of the holding company in exchange for some nominal consideration.

Thus, in the case of the Continental Baking Corporation the charter was secured in the State of Maryland on November 6, 1924. On the same day, as is shown by the testimony of G. G. Barber before the Federal Trade Commission (hearings, pp. 61 to 74), all of the class B common stock of the Continental Baking Corporation, consisting of 2,000,000 shares, was transferred to William B. Ward. As only a comparatively small number of shares of the other voting stock (class A) were issued this gave Ward absolute and complete control of the corporation. With this control he was, of course, able to name the entire board of directors and otherwise provide for its operation in accordance with his policies.

The consideration said to have been given in exchange for the transfer of this control of $600,000,000 corporation is interesting and significant. It consisted in the contract to purchase control of the American Baking Co., of St. Louis. This was a small concern with seven bakeries, having a total value of about $2,000,000. Now the contract to purchase the American Baking Co. had already been secured by George B. Smith, as president of the United Bakeries Corporation. This contract was, however, assigned to William B. Ward on November 6 by Smith to be exchanged for all of the class B stock of the Continental, with a nominal value of $200,000,000. On the same day the United Bakeries Corporation was absorbed by the Continental. It is obvious, therefore, that this transfer of the American Baking Co. contract to William B. Ward was merely a method of providing him with something which he could exchange for the 2,000,000 shares of Continental stock.

It would appear from the testimony of Barber that Ward subsequently returned a large part of this class B stock of the Continental and received in exchange equivalent values of preferred and class A stock. The record does not, however, show clearly what became of all

of this stock that has passed through Ward's hands. It is impossible, therefore, to determine exactly how much Continental stock Ward holds at the present time.

It would appear from the statements of the stockholders' committee of the General Baking Corporation, as published in the New York Times of April 14, 1926, that Ward was similarly given the entire 5,000,000 shares of class B common stock of the General Baking Corporation as "compensation for certain agreements or contracts." Thus he was placed in complete control of the General Baking Corporation, because under its charter "the holders of the class A stock shall have no voting power, all rights to vote and all voting power being vested exclusively in the holders of the class B stock." Both in the Continental and in General Baking Corporation Ward thus gained voting control by the "contract" device.

Ward's control of these corporations, originally secured through the practical gift of all or a majority of the voting stock, was easily made permanent by reason of the extraordinary provisions in the charters of all the Ward corporations for boards of directors consisting of only three or five persons. The ease with which Ward could manipulate the initial organization of these corporations is indicated by the following list of "dummy" incorporators and directors:

INCORPORATORS	DIRECTORS
These are said to be clerks in offices of Ward's Baltimore lawyers, at 101 East Fayette Street, Baltimore, Md.	These are all understood to be clerks in office of Ward's New York lawyers.
WARD BAKING CORPORATION	WARD BAKING CORPORATION
George S. Newcomer.	Fred C. Weisser.
Douglas H. Rose.	Oscar J. Heig.
Leslie E. Mihm.	Alexandria W. Jack.
	Clara Nulle.
	Hortense C. Wordeman.
CONTINENTAL BAKING CORPORATION	CONTINENTAL BAKING CORPORATION
E. Horry Frost.	Fred C. Weisser.
Douglas H. Rose.	Oscar J. Heig.
Leslie E. Mihm.	Alexandria W. Jack.
	Clara Nulle.
	Hortense G. Wordeman.
GENERAL BAKING CORPORATION	GENERAL BAKING CORPORATION
E. Horry Frost.	Alexandria W. Jack.
Douglas H. Rose.	Hortense C. Wordeman.
Leslie E. Mihm.	Oscar J. Heig.
WARD FOOD PRODUCTS CORPORATION	WARD FOOD PRODUCTS CORPORATION
Douglas H. Rose, 2d.	Alexandria W. Jack.
E. Horry Frost.	Hortense C. Wordeman.
R. Dorsey Watkins.	Clara Nulle.

It is true that under the consent decree the General Baking Corporation has been required to increase the number of its directors to seven, but it is submitted that this does not substantially alter the situation.

Having thus secured control of these corporations at their inception, Ward filled their boards of directors and their staff of officers with his former lieutenants and subordinates. These were men who had been accustomed to obeying Ward's orders all their lives and who had been shifted around from post to post in his various corporations in accordance with his will. Thus, entirely independent of the extent of Ward's stock ownership, each of these corporations has been and, in my opinion, still is subject to the dictates of William B. Ward.

The chief of these subordinates through whom Ward has controlled and dominated these corporations are George G. Barber, Paul H. Helms, George B. Smith, and his brother, Howard B. Ward. On pages 36 and 37 of the petition of the Department of Justice you will find a statement of the intimate relations which have existed between Ward and these subordinates over a long period of years.

The situation which finally developed as a result of this plan of operation has been well described by the Department of Justice in the following language:

"The defendant, W. B. Ward, is to-day the most powerful single personage connected with the baking industry. Closely allied with Ward are the defendants, Helms and Barber, who have been associated with him for many years and who with Ward constitute a triumviate controlling and directing the fortunes of the baking industry."

In my opinion this constitutes the very heart of the conspiracy. These three men have had control of the three baking operations, which together produce at least 25 per cent of all the bakers' bread of the entire United States and at least 50 per cent of the bread in the principal cities of the Nation. The question is, therefore, how far the power of this triumviate has been broken or restrained by the consent decree, which was accepted by the Department of Justice on April 3, 1926. I therefore request that at your earliest opportunity you should make a thorough examination of this decree in the light of the facts which I have set forth above and the further details contained in the petition of the Department of Justice and give me your opinion whether the monopoly control of the baking industry which has been held by this triumvirate of conspirators has been substantially broken or restrained.

In this connection I feel that I should direct your attention to one phase of this case which seems to me of the utmost importance, not only in its practical aspects, but also as an indication of apparent bad faith and collusion on the part of the Department of Justice and the majority of the Federal Trade Commission. You will note that section 13 of the decree states that the charge against the Continental Baking Corporation is dismissed by the court because it is included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925. The court was thus apparently lead to dismiss this charge against the Continental on the ground that a similar charge was being vigorously prosecuted against that corporation by the Federal Trade Commission.

Nevertheless, before the ink was dry on the court's decree the Federal Trade Commission by the action of the majority of its commissioners, namely, Commissioners Humphrey, Hunt, and Van Fleet, dismissed the complaint against the Continental Baking Corporation and ordered the hearing in that case to be discontinued. There is every appearance to indicate that the dismissal of this complaint was procured by collusion between the Department of Justice and the majority of the Federal Trade Commission, in which the Attorney General of the United States himself must have participated.

If this be true it would seem that those who participated in the dismissal of the case against the Continental have been guilty of a gross deception of the district court which made itself responsible for the decree and of a breach of public trust which should cause them to forfeit their official positions.

The gravity of the situation involved in the dismissal of the case against the Continental Baking Corporation consists in the fact that this corporation alone is large enough to dominate and control the entire baking industry of the United States. It has 103 baking plants located in every section of the country and manufactures approximately a billion loaves of bread a year. Chairman G. G. Barber in his recent annual report states that the territory served by the Continental includes approximately one-half of the population of the United States As this presumably does not include rural population it would appear that even a larger percentage of the urban population, which is peculiarly dependent upon bakers' bread, is embraced within the Continental territory. The latest census figures—1919—show the entire capitalization of the bread-baking industry of the country as only $397,000,000; Continental's authorized capitalization of $600,000,000 is therefore big enough to absorb the entire industry, lock, stock, and barrel. Through this one mammoth corporation, therefore, the Ward interests would appear to be left free to carry out their conspiracy to control the bread of the Nation even if there were no other loopholes through which they might escape from the full force and effect of the court's decree.

In this connection it may be noted that an article in the New York Times of April 14, 1926, appears to show that William B. Ward did not in good faith dispose of his holdings of 1,000,000 shares of class B stock of the General Baking Corporation, as recited by the court, and as certified by the Department of Justice. On the contrary, it seems that he turned this million shares back to the General Baking Corporation treasury and at the same time entered into an arrangement with the Chase Securities Corporation by which that corporation, with the connivance of Paul H. Helms, one of Ward's lieutenants and president of the General Baking Corporation, was to secure this 1,000,000 shares of class B stock in exchange for 70,000 shares of class A (nonvoting) stock owned by Ward and sold by him or deposited by him with the Chase Securities Corporation. Would it not seem that if this and other similar arrangements are carried out, it might result in a concealed control of all three companies either by Ward interests or by a banking group in the background?

Attention is also called to the allegation by the stockholders' committee in the New York Times of April 16, 1926, that the four additional members of the board of directors ordered by the court were in fact named by Paul H. Helms and others of Ward's lieutenants. This same stockholders' committee, which is now trying to recover from Ward some $8,500,000 alleged to have been secured by fraud, has also revealed the existence of the Ward Securities Corporation, apparently a personal concern of William B. Ward's, which had not previously been referred to in the proceedings. It would appear that large amounts of Ward's personal holdings have been handled through this personal corporation, perhaps as a means of concealing his ownership and evading income tax.

Thus we have already numerous indications that the decree was secured by collusion but that it is not being observed in good faith.

There is one final phase of this situation upon which I should like your counsel and advice. It is evident that nothing can be gained by bringing further pressure to bear upon the Department of Justice or the Federal Trade Commission. Both of these governmental agencies have for some undisclosed reason acted in bad faith and without regard to the public interest from the very beginning of this proceeding and have forfeited their claim to public confidence by the final betrayal

of their oaths of office through the dismissal of the case against the Continental Baking Corporation. There would also appear to be no way by which I or any other private citizen could effectively appeal to the courts for the correction of this situation. I can see no recourse except to appeal to the Congress of the United States and particularly to the Senate for such action as the legislative branch of the Government may properly take to protect the interests of the American people.

I am therefore appealing to your superior knowledge of the law and the processes of government for counsel in this perplexing situation.

As this session of Congress is nearing its conclusion, I would greatly appreciate your early attention to this problem so that whatever may be done should be done quickly.

With expressions of my high personal regard and esteem, I am,

Faithfully yours,

BASIL M. MANLY, *Director.*

GUGGENHEIMER, UNTERMYER & MARSHALL,
New York, April 27, 1926.

Mr. BASIL M. MANLY,
Director People's Legislative Service,
212 First Street SE., Washington, D. C.

DEAR MR. MANLY: I have before me your very interesting and comprehensive letter of the 20th instant graphically and concisely reciting the history of the organization and development of the "Bread Trust" under the generalship of William B. Ward and his associates culminating in the incorporation by Ward on January 30, 1926, of the Ward Food Products Corporation under the laws of Maryland with the "modest" capital of $2,000,000,000 and the subsequent dissolution of that "straw man" by a consent decree of the United States District Court for the District of Maryland.

This decree, however, significantly fails to deal with the head and front of the offending in the form of the defendant Continental Baking Corporation, to which this extraordinary decree in effect grants almost complete absolution and immunity. There is no precedent for it so far as I am aware.

I am aware of the fact that the People's Legislative Service has been for upward of two years engaged in the praiseworthy effort to prevent a monopoly of the Nation's bread. I recall also that it was you who first exposed this conspiracy on the part of the Ward interests and who directed attention to the excessive profits that were being exacted from the people in the manufacture and sale of bread, and that this exposure resulted in the La Follette resolution of February 16, 1924, directing a sweeping investigation by the Federal Trade Commission of the entire baking industry.

In response to your request for my legal assistance and advice as to the effect of the proceedings heretofore taken, resulting in the so-called "consent decree," and as to what, if any, further proceedings should be instituted to protect the public against the continued violation of the antitrust laws by the defendants named in the decree, I beg to say that I will gladly cooperate in the direction indicated in your letter and would feel bound, as a public duty, to comply with your request to lend every aid in my power toward the purpose you have in mind.

It is manifest that if matters are permitted to rest as left by the decree the public will for all practical purposes be almost as completely at the mercy of the Ward combination as before.

I have examined the mass of records and other documents you have submitted, including the Government's bill of complaint and the consent decree above referred to, the testimony taken before the Trade Commission on the complaint against the Continental Baking Corporation, and have looked into the financial statements and the various stock exchange operations connected with the three companies.

From the testimony taken before the Federal Trade Commission in the case of the Continental Baking Corporation and from the other data that is before me I am satisfied and have no hesitation in advising you that its organization and the acquisition by it of the 106 bakeries that it now owns constitute a plain violation of the antitrust law.

I am also satisfied that the Ward Baking Corporation, the General Baking Corporation, and the United Bakeries Corporation are dominated and controlled by William B. Ward and his associates and that this control accentuates the peril of the people from this source.

I regret to say, and say it with the greatest diffidence, that in my judgment the so-called "consent decree" is largely a smoke screen behind which the Ward interests will be able to continue their monopolistic operations with greater assurance of safety from attack than before this apparently camouflage Government suit was begun. If it were seriously intended to hamper them in that direction, I can not understand the following extraordinary provisions in the decree, Nos. 13 and 14:

"13. It appears that the charge contained in the petition herein that the acquisition and holding by the defendant, the Continental Baking Corporation, of the stocks and other share capital of the alleged competing baking companies is in violation of section 7 of the Clayton Act was included also in a complaint filed by the Federal Trade Commission against the Continental Baking Corporation on December 19, 1925:

"Wherefore the petition is dismissed as to that charge without prejudice to the right of the United States to again raise the issue in any other proceeding."

"14. It is further ordered, adjudged, and decreed that this decree and any of the provisions hereof shall be without prejudice to the rights and interests of the said defendants in any proceedings, civil or criminal, which may hereafter be brought, except that its recitals shall be conclusive in all proceedings brought to enforce an observance of this decree or any part thereof."

Why this "wherefore"? It seems to me the most grotesque sort of a non sequitur. Why should the charges in the Government's complaint against the Continental Baking Corporation, which is by far the most dangerous of the offenders, have been dismissed because a similar complaint against it was then pending before the Federal Trade Commission? If the officials of the Department of Justice had read the testimony before the commission and were intent upon doing their duty they would have insisted above all things upon including in the decree the dissolution and disintegration of the Continental Baking Corporation instead of dismissing the charge against it.

But the most extraordinary provision of that decree is contained in paragraph 14, the effect of which is that instead of the decree being res adjudicata as against all the parties against whom it is entered it is made absolutely worthless in any further proceeding except where the enforcement of the provisions of the decree is directly involved.

I know of no other case in which the Government has permitted a defendant charged with violation of the antitrust laws to consent to a decree which shall be binding upon him only so far as the enforcement of that particular decree is concerned and shall otherwise have no binding force. The detailed charges against the Continental Baking Corporation set forth in the complaint were either true or false. The testimony before the Federal Trade Commission established their truth. If true, why was the complaint dismissed?

I understand also that the ground asserted in the decree upon which the court was induced to dismiss the suit against the Continental Baking Corporation, to wit, that there was another proceeding pending before the Federal Trade Commission, was to all intents and purposes false, in that it had been virtually agreed when the decree was entered that the proceedings against the Continental Baking Corporation before the commission should also be dismissed, and they were in point of fact dismissed at or about the same time.

If this fact was suppressed from the court when it entered the decree, as it manifestly was, since the court would not have dismissed the suit on the ground that there was another proceeding then pending if it had known that the other proceeding had been or was about to be dismissed as part of the arrangement, it amounted to a gross fraud upon the court.

If Ward and his associate defendants in fact virtually dominate and control the Ward Baking Corporation, General Baking Corporation, United Bakeries Corporation, and Continental Baking Corporation, as is made clear by the allegations of the Government's complaint, the dissolution of the Ward Food Products Corporation directed by the decree is of no practical value or avail to the public. It may not be quite as convenient or as lucrative for them for purposes of speculative stock-exchange manipulation to have this control scattered through three or four companies as to have it concentrated in one company, but it is quite as effective from the point of view of throttling competition between the companies that are under one domination.

It is in that aspect that the provisions of the decree enjoining the constituent companies and Ward, Helms, and Barber from acquiring or holding stock in more than one of the companies will be either valuable or worthless. It can be made the most valuable and is perhaps the only valuable feature of the decree, dependent on whether it is rigidly enforced. It is, of course, readily capable of evasion. All that Ward, Helms, and Barber and their allies need do is to exchange stocks, so that one of them controls each company, and then "cooperate" instead of competing. That, however, is no argument against the effectiveness of the decree. The fundamental vice of the decree as I see it is in letting out the Continental, which is in and of itself an illegal combination.

My advice is to attack the action from two angles:

1. To ask the Senate to investigate the circumstances surrounding the entry of the decree, and that if it is found that the Continental Baking Corporation has acquired competing plants in restraint of trade that it direct proceedings to be begun anew against that corporation and those in control of it.

In view of the relation of the Department of Justice and the Federal Trade Commission to the transaction and especially to the entry of this decree, there should be the same insistence upon the selection of independent counsel to conduct the prosecution as was insisted upon in the Doheny and Sinclair cases.

2. Your organization should endeavor to intervene as amicus curiae and to appeal to Judge Soper, who signed this decree to reopen it as to the Continental Baking Corporation and require that the suit be continued as to it. I doubt, however, whether this would be permitted

over the objection of the Department of Justice, and yet it might have the effect of inducing action by Judge Soper on his own behalf. As all parties had joined in requesting this form of decree the court would not ordinarily have been expected to give close scrutiny to the document.

Very truly yours,

SAMUEL UNTERMYER.

Mr. HARRELD. Mr. President, on April 3, 1926, the Attorney General of the United States made a public statement concerning the matter which the Senator from Wisconsin has just been discussing, giving his side of the case. I happen to have it, and I ask unanimous consent that it may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

COMMENT OF ATTORNEY GENERAL

The full text of the statement of the Attorney General given to the press on April 3, 1926, is as follows:

"The outstanding feature of the decree is the complete dissolution of the Ward Food Products Corporation. That corporation was organized under the laws of Maryland on January 30, 1926, with an authorized capital stock of 20,000,000 shares with a potential value of $2,000,000,000.

"As to that company the decree provides that, within 30 days, it shall be dissolved, all its corporate privileges forfeited, and its charter surrendered to the State of Maryland. Pending its final dissolution the corporation is enjoined from issuing any capital stock, acquiring any property, or transacting any business other than may be necessary to terminate its corporate existence.

"Another important provision relates to changes in the corporate organization and structure of the General Baking Corporation. At its next annual meeting, to be held within one year, it will reduce its authorized capital stock by reducing its class A nonvoting stock from 5,000,000 shares to 2,000,000 shares. Pending such action the corporation is enjoined from issuing any part of the 3,000,000 shares so to be canceled.

"LIQUIDATION BY WARD

"Counsel certify to the court that William B. Ward has completely liquidated his holdings, 1,000,000 shares, in the voting stock of the General Baking Corporation, and this assertion has been verified by Department of Justice accountants. To widen the control of the company the number of its directors is increased from three to seven.

"As the result of the dissolution of the Ward Food Products Corporation and the reorganization of the General Baking Corporation there has been canceled authorized capital stock in the amount of 23,000,000 shares, with a potential value of $2,300,000,000.

"The decree finds that a plan such as described in the petition, if carried into effect, would be violative of both the Sherman law and the Clayton law. It therefore forbids the defendants, both corporate and individual, from directly or indirectly doing any act or thing in furtherance of such a plan, and from forming or joining any like plan for restraining or monopolizing interstate trade and commerce in the future.

"The Ward Baking Corporation, the General Baking Corporation, and the Continental Baking Corporation are each severally enjoined and restrained from acquiring, receiving, holding, or voting, or in any manner exercising control over, the whole or any part of the capital stock of either of the other companies, and from acquiring any of their physical assets.

"SEPARATION OF DIRECTORATES

"In like manner those three companies are enjoined and restrained from having any directors or officers in common. The purpose of this provision is declared in the decree to be to insure to each corporation a direction and management independent of the direction and management of the other corporate defendants.

"Each of the corporate defendants, its officers, directors, agents, and employees, is enjoined from entering into any contracts, agreements, or understandings with any other corporate defendant for joint purchases of materials, supplies, and equipment, or for common prices or common policies in the marketing and sale of their output.

"The corporate defendants also are enjoined from acquiring, directly or indirectly, the whole or any part of the capital stock of any other baking corporation engaged in interstate commerce where the effect may be to substantially lessen competition in such commerce.

"The defendants William B. Ward, George G. Barber, and Paul H. Helms, characterized in the Government's petition as a 'triumvirate controlling and directing the fortunes of the baking industry,' are enjoined from acquiring or holding voting stock in more than one of the corporate defendants, and each is required to dispossess himself of all voting shares in all of the corporate defendants other than the one in which he shall elect to remain a voting shareholder.

"PROCEEDING IS DISMISSED

"The decree recites that, as the charge that the Continental Baking Corporation has acquired the stocks of competing bakeries in violation of section 7 of the Clayton Act, is involved in a proceeding by the Federal Trade Commission begun before the filing of the Government's proceeding, the petition is dismissed as to that charge without prejudice to the right of the United States to raise the issue in any other proceeding.

"The petition also was dismissed without prejudice as to the individual defendants, other than Ward, Barber, and Helms, they being regarded as merely nominal factors in the industry.

"The court retains jurisdiction of the case to enter any further orders that may be necessary or proper in relation to the carrying out of the provisions of this decree, and for the enforcement of strict compliance therewith and the punishment of evasions thereof."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 16) authorizing the Secretary of the Senate, in the enrollment of the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader, to amend the title.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS were appointed managers on the part of the House at the conference.

The message further announced that the House had insisted upon its amendment to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CHRISTOPHERSON, Mr. MICHENER, and Mr. MONTAGUE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 46, 56, 100, and 102 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 109 and 110 and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I am very glad indeed that the Senator from New Jersey [Mr. EDGE] made the comments he did a few minutes ago upon the hearings before the subcommittee of the Judiciary Committee in relation to prohibition. In rising, it is not my purpose to make any observations upon those hearings to-day. Later on, I propose to deal with them, possibly at some little length. I simply desire first of all to call attention to the fact that while those hearings were pending cumulative evidence supporting the case made by us before that subcommittee was steadily being brought to light.

In the first place, during the pendency of those hearings, the fact was stated in the newspapers of Washington, notwithstanding the denial made by our friends, the prohibitionists, that drunkenness was increasing in the leading cities of the United States—that in two days only, upward of 200 persons were arrested in Washington for drunkenness.

Some effort was made in the course of those hearings to discredit the statistics which I and other individuals, inside and outside of this body, have brought forward with respect to the increase in drunkenness in American cities. In that connection all I wish to say is that the table of statistics which I laid before the subcommittee was compiled from letters sent to me by the chiefs of police of all the cities included in my table. I have the original letters of those chiefs of police, and they are open at any time to the inspection of anybody, to the inspection of the Senate or of any Member of the Senate, to the inspection of any prohibitionist or antiprohibitionist in the land. As I

have repeatedly asserted, they show conclusively that ever since the enactment of the Volstead Act arrests for drunkenness have been steadily mounting up and are still mounting up in every city in the land—north, south, east, and west.

Nor is what I have said about the number of arrests in the city of Washington during two days only the only thing that I might cite at this time in illustration of the fact that even while that subcommittee was sitting from day to day, from hour to hour, intolerable scandals and abuses bred by prohibition were still being bred.

Several days ago, when I turned to my copy of the Baltimore Daily Sun—which I can as readily dispense with as I can with the sun that rises above the horizon every morning—the first thing that met my eye was a statement calling attention to the fact that no less than four of the prohibition directors of the State of Wisconsin had been punished or indicted for misconduct.

Mr. LA FOLLETTE. Mr. President, I hope the Senator will make it clear that they were the Federal enforcement officers and not State officers.

Mr. BRUCE. I will. God forbid that I should identify the honorable State of Wisconsin with such a corrupt crew as a large part of the prohibition force charged with the enforcement of prohibition in this land are.

Here is the Associated Press dispatch to which I refer:

MILWAUKEE, WIS., April 27.—Clark M. Perry, former Wisconsin Federal prohibition director, indicted by a United States grand jury on a charge of conspiracy to violate the dry law, is the fourth Wisconsin director to be accused in grand jury charges.

The first Federal director in the State, Joseph Guidice, of Sdnger, was involved in an alleged liquor scandal and was mentioned in a grand jury indictment. He died before the charges were submitted to the court.

Joseph P. O'Neill, Milwaukee, second director, was indicted and served a sentence in the Milwaukee House of Correction. Thomas A. Delaney, of Green Bay, was the next director indicted, and he served a term at Leavenworth.

OTHERS ALSO INDICTED

Perry, the fourth, is accused in connection with the fake robbery of $100,000 worth of whisky from warehouses at Plymouth, Wis.

In other words, it seems to be absolutely impossible for anybody to touch that stick without being tarred. Four prohibition directors in one State, and each one of the four a scamp either originally or because of the corrupting influence of the detestable system of tyrrany and depravity established by prohibition.

As the hearings showed, no less than 875 members of the Prohibition Unit have been dismissed from the service, and the great majority of them for corruption or for downright rascality in some form or other. Of course, I am not saying that all of the members of the Prohibition Unit are persons of that description. That would be doing a gross injustice to many honorable and brave men who also help to make up the Prohibition Unit. Nevertheless, aside from such members of the unit as have been indicted and acquitted and such as have never been detected, no less than 875 have been dismissed from the service for actual misconduct.

Mr. OVERMAN. Mr. President, how could those 875 rascals be appointed to this unit under the Volstead Act? Was there no inquiry into their character or good standing?

Mr. BRUCE. Most of them were appointed directly or indirectly by the Anti-Saloon League. That was shown by the testimony at the hearings to which I have referred. General Andrews testified on that point. Some were named by church organizations, some by the Anti-Saloon League, and, as I understand, some by Wayne B. Wheeler himself. It is no wonder that when the bill proposing to place members of the Prohibition Unit under the civil-service system came up to-day on the call of the calendar I should not have been disposed to let it proceed to its passage without some observations on the depraving influences that its practical workings are likely to exercise.

The Volstead Act was largely the fruit of the abuses of official patronage. When it was under consideration nothing would satisfy Wayne B. Wheeler and his Anti-Saloon League associates except a provision in it excluding field employees of the Prohibition Unit from the scope of the classified service. At that time Wheeler was opposed to the Federal merit system of appointment as an agency for the selection of such field employees. So were his colaborers generally, and for a long time his and their refusal to allow certain members of the Prohibition Unit to be brought within the classified service was kept up by Wheeler and his fellow Anti-Saloon League politicians, notwithstanding the fact that Richard H. Dana, of Boston, the president of the National Civil Service Reform Association, pointed out as with the eye of a prophet what the demoralizing consequences would be of resorting to the old patronage system for prohibition employees and the fact that at every annual meeting for some years the National Civil Service Reform Association protested against the exclusion of members of the Prohibition Unit from the classified service. But now many appointments to the Prohibition Unit under the old spoils system of patronage have become such a stench in the nostrils of the American people that Wheeler and his clients are here asking that the field places in the Prohibition Unit be brought under the provisions of the national civil service laws, laws which I spent some 30 or 40 years of my life upholding.

So strong are my convictions touching the national merit system of appointment that nothing tends to keep me from voting for the pending bill except the feeling that the temptations to which prohibition subjects the public official are so great that even men brought in under the national merit system of appointment might not always be proof against their corrupt solicitations

But, Mr. President, I have wandered far afield. When I rose I had no thought of permitting my utterances to run out into those channels at all. I rose for the single purpose of calling attention to a recent address of the Attorney General of the United States, the Hon. John G. Sargent, in the city of New York, on the subject of prohibition. I do not call attention to this address because there is anything remarkable about it as an address, but because it was delivered by a Cabinet officer. After indulging in the usual prohibition platitudes in his address Mr. Sargent concluded by saying:

If the views I have suggested are sound, can anyone without menacing the safety of society maintain an attitude as to the observance and enforcement of the eighteenth amendment and the Volstead Act different from that he maintains as to the observance and enforcement of the law against counterfeiting, against larceny from the mails, against robbery, and crime generally?

I answer yes! To the mind of a well-balanced, rational man there is no analogy whatever to be suggested between such heinous crimes as counterfeiting and mail robbery or highway robbery and violations of the Volstead Act. The instinct of every respectable, decent man in the land rises up at the thought of any flagitious crime being committed. But if taking an occasional drink is always a crime it is only because man in a moment of folly chooses to call it a crime.

Did anybody ever stop to ask why it is that there is no public opinion among reputable people hostile to the antinarcotic laws of the United States, though thousands and hundreds of thousands, nay millions of reputable people are opposed to prohibition? It is because in the end a narcotic works complete physical and moral degeneration. Consequently, it is a real crime to sell a narcotic to a human being, and a real crime for a human being to use a narcotic. From the Golden Gate to Hell Gate the voice of not one law-abiding, respectable citizen, man or woman, is raised in condemnation of our antinarcotic laws. But, of course, the feeling about the use in moderation of spirits or wine or beer is an absolutely different thing, because they are not narcotics, and millions of human beings can use them from the earliest days of their lives until the last breath leaves their bodies without anything except innocent pleasure and rational enjoyment. Therefore, to try to put drink in the same class with narcotics or anything else of the same opprobrious nature is a thing that defeats its own purpose—a thing that will not go down with the human conscience or the human intellect, that can from its very nature breed only abuse and scandal and violation of the law, that can, as I have said on a previous occasion, have no effect except that of blighting human happiness, debasing human morals, and discrediting human laws. And sad, indeed, it is to reflect that nothing has given a more morbid stimulus to the use of narcotics in this country than prohibition. In 1918, if I can rely upon my memory at this moment, there were some 400 convictions for violations of the antinarcotic laws in the United States, while in 1925 there were some 3,000. If men can not have a legitimate form of physical stimulation, they will resort to a far more ruinous and destructive form of it.

Now, to get back to Mr. Sargent, it is perfectly idle for him or anybody else to appeal to the Federal Constitution in relation to prohibition, as if it were something that like the laws of the Medes and Persians, is not to be changed under any circumstances. A constitution can make just as much of a fool of itself as can a statute. Under ordinary conditions, of course, it is the duty of every one of us to revere every part of the Federal Constitution. The highest duty of the citizen is to obey the Constitution and laws, and, much as I detest prohibition, ever since I have been a Member of this

body I have voted for every appropriation for its enforcement. I even introduced a few days ago into this body a bill creating another Federal judge in the State of Maryland, notwithstanding the fact that the only need for that judge is created by the sequels of prohibition.

As I have said repeatedly, I would despise the President of the United States, I would despise the judges of the Supreme Court and the inferior Federal judges of the land and every other minister of the law if they did not, no matter what might be their personal views with respect to prohibition, discharge their official duty in relation to it faithfully. But, all the same, there are constitutional provisions to which no sensible man can pay his homage. Only a small part of a true law be it remembered is on the statute books. Three-fourths of the efficacy of a law does not reside in the statute book at all but in the human conscience and intellect.

Laws and constitutional provisions are enforceable only so far as they are declaratory of those moral precepts which are inscribed in indelible letters upon the tablets of the human heart, altogether independent of municipal ordinances or constitutional injunctions. And a constitutional provision can become an object of disrespect, of disobedience, almost as readily as can a statute.

What I wish especially to call to the attention of the Attorney General, who is a native of Vermont, is the fact that there was a time when certain provisions of the Federal Constitution were defied, flouted, and scorned by his State. Everybody knows that in the beginning there were guaranties of the institution of slavery in the Federal Constitution. We are all sorry that that was ever the case; we are all glad that those guaranties have passed away with the lapse of time. Far, indeed, be it from me to arouse any feelings engendered by the long fratricidal struggle between the two sections of our country that are now so happily united. Though a southern man by birth and by training and yielding to no one in my admiration of the splendid military genius of the Confederate leaders and the dauntless valor of the men whom they led, I for one am just as much delighted as is any other American in the land, no matter what was his place of nativity, that the Civil War ended exactly as it did.

All the same, there was, as I have said, a time when there were constitutional guaranties of slavery in the Federal Constitution, and when Congress passed a fugitive slave law for the purpose of enforcing the provisions of the Federal Constitution, which declared that it should be the duty of one State to return to another State any slave who had fled from that State. There, you see, was a case for the performance of a plain duty. It was the legal obligation of every State in the land, of every governor in the land, to heed those constitutional guaranties, to help to enforce that fugitive slave law, and yet the time arrived when the fugitive slave law became a *dead letter* upon the face of the statute book in many of the free States; when judges in the free States would not honor it; when juries in the free States would not honor it; and because the moral impulses of the people of the free States and of a large portion of the people even of the States where slavery existed and the moral impulses of the world outside of the United States had registered their remonstrance against the perpetuation of the institution of slavery.

People talk now about an "underworld," as if there never were an "underworld" before under the provisions of the Federal Constitution, but I venture to remind some of my colleagues of the fact that while the institution of slavery lasted there was an "underworld," too. Some of you have doubtless heard of the "underground railway," by which, in defiance of the Federal Constitution, slaves were railroaded from the South to New England or to Canada.

In other words, in the providence of God, the time had come when those constitutional guaranties of slavery and the fugitive slave law had no binding efficacy and were backed by no real moral sanction so far as the majority of the people of the United States were concerned. The attitude of the people of the free States toward them was the same as that which thousands of American citizens to-day are assuming toward the eighteenth amendment and the Volstead Act.

What did Vermont do while that slavery agitation was under way? In addition to personal liberty acts passed by many other States for the purpose of nullifying the fugitive slave law, in addition to the refusal of governor after governor in the free States, including the Governors of Maine, New York, and Ohio, to deliver up slaves who had fled from their homes, the State of Vermont, the State of Mr. Sargent's nativity, the State of his residence, enacted this law:

> Every person who may have been held as a slave who shall come or who may be brought into this State with the consent of his or her alleged master or mistress, or who shall come or be brought, or shall be in this State, shall be free.

That is to say, no matter what the Federal Constitution said, no matter what Congress said, no matter what any lawgiver or any law said, the slave was to be free; the gyves were to fall from his wrists, the shackles from his ankles; he was to breathe the breath of a free man as soon as he reached the Green Mountains. In other words, the rising moral impulses of a large portion of the people of the United States swept all constitutional barriers away.

You will recollect, Mr. President, that Garrison said, as I recall his language at this moment, that the Federal Constitution was "a league with death and a covenant with hell." The Federal Constitution, mind you, this very Federal Constitution which the Attorney General is holding up to our face! Of course, Garrison was an abolitionist and an extremist, but no less a person than William H. Seward, a true statesman in every sense of the word, also declared that there was a higher law than the Federal Constitution when the country came to deal with the institution of slavery.

Then this act of Vermont goes on to provide further:

> Every person who shall hold, or attempt to hold, in this State, in slavery, as a slave, any free person, in any form or for any time, however short, under the pretense that such person is or has been a slave, shall on conviction thereof be imprisoned in the State prison for a term not less than five year, nor more than 20, and be fined not less than $1,000, nor more than $10,000.

That is to say, the people of Vermont had worked themselves up to the pitch to which the prohibitionists of this body worked themselves up, when one of them said that he believed that some violations of the Volstead Act should be punished with capital punishment; and another that even the making of a little home brew in the home should be classed as a felony; and another, who was led away not by fanaticism but by his glowing declaration, that he for one was prepared to wade—just think of it!—through fire and flame and blood to maintain the constitutional mandates of prohibition.

That is all I have to say. It brings me back, of course, to the declaration that there is no sense in enacting laws or even in adopting constitutional provisions that violate the primal impulses of human nature; that are out of keeping with the constitution of man as he left the plastic hands of God; that seek arbitrarily and artificially and irrationally to make man all over again, and to curb appetites of his that when kept strictly within bounds have not the slightest taint of criminality about them, no matter what the Anti-Saloon League says, no matter what Wayne B. Wheeler says, no matter what any fanatic in this body says.

There are not many such fanatics in this body. Do not make the mistake of exaggerating the number of Senators who are really in sympathy with prohibition. A few days ago when one of my best friends in the Senate said to me as he passed me and another Senator who shares my views:

> There are only two of you antiprohibitionists in this body.

I was tempted to reply: "Yes, but how many would there be if you added to us all the insincere prohibitionists in this body?" We would be in a great majority, and before any considerable amount of time shall elapse we are going to be in a majority anyhow.

When the proposition that we should hold this hearing was made, at first there seemed to be a disposition on the part of practically the entire Judiciary Committee of the Senate to deny us the privilege of a hearing at all; but I am deeply gratified to say that the majority of the committee had too much sense of justice, too much fairness of mind, to be willing to deny us such a hearing. Of course, one member of the committee did hold out from first to last against a hearing, on the ground that we were merely engaged in wet propagandaism. It was the old story. When I am interested in something and want to have a hearing, that is nothing but propaganda; but when you are interested in something and want a hearing, that is an honest search for valuable knowledge and instruction.

I remember what Archbishop Whately said: "Heterodoxy is your doxy, and orthodoxy my doxy."

But we have had our hearing; and it was so destructive of the hollow protenses of prohibition that I sometimes ask myself whether a little later the fate may not befall us that Jeremy Bentham says often befalls the reformer; that is to say, the fate, like that of the exploding bomb, which is lost to sight in the very ruins that it has wrought.

The prohibition question is to come up in Pennsylvania in a few days now. Next fall there is to be a referendum in the State of New York—a referendum against which the prohibitionists held out until the very last moment of resistance, and

into which they have been finally dragged as reluctantly as a cat is dragged by the tail across a carpet. Unless I am mistaken, the people of New York are too intelligent, to rational, too law-abiding, longer to tolerate such a thing as national prohibition has proved itself to be.

FEDERAL HIGHWAY AID

Mr. PHIPPS. Mr. President, the House has passed a bill, H. R. 9504, covering Federal aid in the construction of roads. This bill includes authorizations under which appropriations totaling $75,000,000 for the fiscal year ending June 30, 1928, and the same sum for the fiscal year ending June 30, 1929, together with 10 per cent of like amounts for the construction of forest roads and trails, will be made available; the bill being identical with the one passed by the Sixty-eighth Congress, excepting that those authorizations applied to the years 1926 and 1927.

Mr. President, only within recent years has the necessity for good roads been brought home to the American people and to the American Congress. During the past century the wonderful development of the railroad forced highway construction into decidedly second place. The roads and trails of the country, on which some progress had been made in our early history, were shamefully neglected, and this can even be said of conditions within the past decade. Do you realize that the original Federal aid law, the Shackleford Act, was passed on July 11, 1916, a little less than 10 years ago, and that for the first year of its operation there was only made available for use throughout the entire United States the sum of $5,000,000? Since that time Congress has become more generous; but even yet there may be those within the sound of my voice, Members of this body, who have not become convinced of the prime importance of this undertaking, and who would advocate that our Government should not spend another cent for that purpose.

Let us examine the results growing out of the contribution of the Federal Government to the upbuilding of highways throughout the country. The amount involved has been comparatively small. I speak advisedly, for the fact is that during the fiscal year 1924 only 2.3 per cent of the total Federal Budget went into highway construction, and this included administrative costs. Moreover, from the date of the establishment of the program until June 30, 1924, the Federal Government collected in taxes on automobiles and accessories more than twice the amount expended on good roads. But let us see what has been accomplished. Has the adoption of the system proved to be a worth-while investment? What beneficial results have been secured? And what may be expected in the future if we continue as we have begun?

Within the past 10 years 171,687 miles of main highways have been constructed or improved with Federal aid. These roads lead across the country from the East to the West, from the North to the South. They run through the principal cities of each State; they traverse the leading agricultural communities; they go from farm to market and from the post office to the home. A 10-mile zone marked off on each side of this Federal-aid system would include the residences of nine-tenths of our population.

What has been done? Let us speak first of the farmer. It is quite generally admitted upon this floor that additional relief for agricultural conditions is still required and that something should be attempted to that end by legislative act. I myself have introduced and am urging the passage of two bills, which are intended to assist the stockman of the West and through him the entire country. I shall be glad to examine carefully any other agricultural-aid proposals that may be brought forward by my colleagues in the Senate or in the House of Representatives. But, Senators, I respectfully submit that Federal highway aid has done more in this direction than any other single act of the National Congress and that to abolish the system at this time would probably be the most disastrous blow that could be dealt the American farmer.

In this connection do not imagine there is any such thing as a "permanent road." That is one of the many delusions on this subject, which exist in the minds of otherwise intelligent men. Highway experts are thoroughly familiar with the fact that all roads, of whatever type of construction, gradually wear out under heavy use and the effect of the elements. Proper maintenance must be started at the instant that construction is completed; and this, as you are aware, is being handled by the States under the present satisfactory arrangement. The States obligate themselves to maintain the Federal-aid roads at their own expense, and they forfeit their allotments for road construction during their failure to keep these highways in good condition. We should also bear in mind that there is much new work of consequence to be undertaken in every section of the country.

But to return to the farmer. Farm-to-market roads are no myth. In these latter years the transportation of agricultural products direct to the market has been made possible by the program of highway construction. Formerly three hauls at least were required—the slow journey to the railroad over unimproved country roads, the trip by train, and the haul to the commission house or retail dealer. But the motor truck has taken the place of the old arrangement. It has proved especially important in the handling of perishables. It has widened the market; for while the railroad is still available for transportation over long distances, the automobile supplies closer communities which heretofore it had not been possible to reach by railroad.

In addition, prompt delivery of rural mails is not only a convenience but a necessity to the modern farmer, who transacts much business by parcel post. He buys in that fashion. He often sells in the same manner. The parcel-post business, which has grown to enormous proportions in the past few years, affords such substantial benefits to the farmer as to justify the expense and effort required on the part of our Government. With our old highways most of the mail deliveries now being made daily would have been utterly impossible, and the few deliveries that could have been made over such poor roads would have proved extremely expensive. Thus, while the Federal-aid system has enabled the Post Office Department to extend its beneficent arm to practically our entire population, instead of merely assisting those in urban centers, it has also permitted the development of these postal facilities at a minimum of expense to the patron of our rural routes and to the taxpayers themselves. Through star routes, which deliver mail from one post office to another, whole towns which do not enjoy railroad facilities have been put on the map from a postal standpoint.

As to the delivery of first-class mail, good roads are also playing an invaluable part in rural sections. And I insist, Mr. President, that wherever possible the man on the farm is just as much entitled to this great convenience, to this helpful service on the part of his Government, as is the city dweller.

This brings us to the next question. What has highway aid done for the inhabitants of large cities? A great deal of what I have just said with reference to farm-to-market roads applies with equal force to our urban population as it does to the agriculturist. The farmer gets a better market because of hard-surfaced highways. The city dweller has the advantage of fresh vegetables; more, better, and cheaper farm products. For short journeys our citizens secure transportation from place to place more quickly, more satisfactorily, and often more economically than in the old days. It has been truly said that the automobile and the railroad train have an entirely different public service to perform, both for freight and passenger traffic. In handling commodities the auto truck acts as a feeder to the railway, while in the case of personal transportation the bus reaches points that can not be reached by train, or when it parallels the railroad makes stops along the way where there are no railway stations. Thus motor and rail transportation supplement each other. Through their proper combination such facilities are being made more generally available, and a great service is being rendered the people of the United States.

Bus transportation has come to stay. Such lines are springing up on all sides and are apparently doing a profitable business. In the opinion of many the time is not far distant when there must be some competent regulation by Government authority, and I understand that a bill for this purpose is now pending before the Interstate Commerce Committee of the Senate. Are Senators aware of the fact that there has just been a consolidation of certain companies which will permit bus travel in this country from coast to coast? I am informed that such automobiles now run from Boston to New York, from New York to Chicago, from Chicago to St. Louis, from St. Louis, to Kansas City, from Kansas City to Denver, and from Denver to Los Angeles. I am pleased to record that in my own State of Colorado such long distance travel was originally instituted, and the first line was run from Denver to Kansas City.

Furthermore, the city dweller, as well as the man in the country, makes much use of our public highways for recreational purposes. Mr. President, I know it was once the fashion to sneer at the man who seeks health or relaxation in his automobile. For many years the motor car was considered altogether a luxury, and even to-day there are those who persist in holding that old idea. Apparently they take the position that the automobile is the rich man's toy, and that the improved road is something to be enjoyed only if it can be afforded after all necessities and comforts of life have been obtained. They seem to feel that we are a Nation of joy riders, and that hard surfaced highways are almost a menace to our present-day civilization rather than an economic necessity.

For my part, I do not hesitate to defend and praise the man who wishes to use our great cross-country routes for recreation or healthful travel. To my mind this is a beneficial and excellent use. Motoring is no longer a hobby of the wealthy by any means. It opens the door to the poor man and the man of moderate income who wishes to escape from his humdrum every-day surroundings, filling our citizens with renewed vigor and giving them a broader outlook on life. Some may scoff if they choose at the tin-can tourist, as he is sometimes called; at the man or woman, in whatever station of life, who uses the automobile to "see America first."

I wish to go on record as stating that motor travel is the leaven which is helping to promote the national welfare, to give our people a better understanding of each other, and to furnish them with first-hand knowledge of varying conditions throughout this, their own country, of our huge natural resources and unbounded national possibilities. Such observations in themselves make men and women better American citizens. They stimulate development of our resources through investment of time, labor, and capital; lead to the adoption of a higher standard of living and to the general enlightenment of all our people. They knit together this Union of inseparable States, for they give the American citizen a national viewpoint. These things, Mr. President, which can not be reckoned in terms of dollars, although they do affect the country's prosperity, these things are made possible by the automobile and the network of improved highways over which it travels.

What has been done through the instrumentality of good roads? Ask the manufacturer, whose products are now distributed and delivered to the consumer in autotrucks over improved highways. This means speedier, cheaper, and better service to the public. I need hardly add that here, again, many of our citizens are vitally interested—the manufacturer, the workman in the factory, the retailer, and the ultimate consumer.

What does Federal highway aid mean from a military standpoint? I need hardly propound this question to Senators who have fresh in their recollections the lessons of the Great War. At that time the railroads did their share; there was no physical breakdown; and yet we know how all transportation suffered because of lack of capacity to handle the load. It was then that the War Department turned to the highway system, making use of such routes as we had to transport munitions and other war supplies from point of manufacture to the seaboard for shipment across the Atlantic. Military authorities are still testing the roads by the movement of troops and supplies so as to know what they may count upon in the event of an emergency.

There is another use of the roads for national defense which is sometimes overlooked. It was succinctly expressed by General Pershing when he appeared before our Post Office Committee in 1921 and said:

> The country road will be of tremendous value in time of war. These roads must be relied upon to obtain the needed food supplies.

Permit me to state that adequate highway transportation is just as important from that standpoint as many direct activities of the War and Navy Departments. Do you know that the United States Bureau of Public Roads recognizes this fact, and that ever since the cooperative work was undertaken all Federal-aid roads are so constructed that the culverts and bridges shall meet the needs and requirements of the Army? The War Department was also consulted as to the greatest national need for defense purposes before the present Federal-aid routes were finally approved.

Senators, I can not impress upon you too strongly that the interests of all our people are interwoven in good roads. I can not repeat too often that here we have one of the few propositions that benefit all our citizens—the farmer, the city dweller, the business man, the manufacturer, the mechanic, the miner, and those in every walk of life. Please remember also that, in the words of Mr. Thomas H. MacDonald, Chief of the Federal Bureau of Public Roads—

> We pay for improved roads whether we have them or not, and we pay less if we have them than if we have not.

In other words, it costs money to move any vehicle over the highways, and that total sum is materially less if those highways are properly improved. It seems to me that we should welcome this opportunity to extend such universal aid to the people of the United States and at the same time to bring about a great public saving in time, effort, and actual money.

But it is asked: How important a part has the United States actually had in the development of our national highways? Has such Federal aid been responsible, to any great extent, for the development within recent years which has accomplished such beneficial results? Let us see. The amount of money actually expended since 1916, while insignificant when compared to the total annual budget, has been more than a drop in the bucket. Appropriations or authorizations by Congress for use until June 30, 1925, total $540,000,000. Practically all of this money has been actually allotted and expended, and in accordance with one of the leading features of the plan, it has been matched dollar for dollar by State appropriations. The only exception is in the case of certain Western States having a large area of unappropriated public lands, on which no Federal taxes are paid, and in that case the proportion of contribution required on the part of the State is reduced accordingly.

This money has been wisely spent in accordance with the conditions under which the road is used. In other words, concrete or macadam is not required in all sections of the country or in every part of a State. In fact, not all highways need to be hard surfaced. The amount of development should depend, of course, upon the needs of the people who travel over the route. For example, the grading and drainage of an unimproved road is not expensive; yet such a highway is often satisfactory and can be maintained by dragging at a minimum of expense. Or a road may be surfaced with hard clay or gravel and withstand a considerable amount of travel, with corresponding benefits to the general public. All these things have been taken into consideration by Federal and State authorities in making expenditure of the taxpayer's money for highway purposes.

In addition, Federal aid has accomplished two results which, in my opinion, far outweigh the amounts actually contributed by the United States for such work in the several States. First, it has established a connected and comprehensive system. It has directed such development in channels where the most good to the greatest number could be obtained. Almost from the start, it was recognized that there are main arteries of travel in each State, running from one large city to another, and feeding the principal local roads of every section of the State. Moreover, there are routes which are also of interstate importance, through routes which are part of a chain joining the principal communities of the Nation and running across the continent. To encourage the improvement of such roads, to prevent the people's money from being dribbled away in small quantities on isolated projects is one of the objects of the Federal-aid program. As Senators know, the greatest possible mileage in the system can only be 7 per cent of the total length of roads in the United States in 1921, according to the provisions of the act itself. Thus, through Federal aid we build highways where they are most needed. Nearly every city of 5,000 population or more is reached by this system, and, as I have heretofore stated, 90 per cent of our people are within 10 miles of a Federal-aid road.

The second beneficial result to which I call attention is also significant. The adoption of this plan has aroused the interest of the State and county authorities generally, so that now, realizing the great benefits of improved roads, they are desirous of expending their allotments of Federal money over the greatest mileage permissible and of improving feeder routes to connect with the main thoroughfares.

This movement has developed into a general road construction program, so that at the present time the contributions of the Federal Government only constitute 8 per cent of the total annual expenditures for highway construction in the entire country.

When this system was first introduced in 1916, 17 of the 48 States had no highway departments, and the fact that every-one of them now maintains such departments illustrates the helpful aid of the Federal good roads law.

Mr. President, there should be no cause to regret that the States have embarked on a program of good-road construction; the only pity is that they were not induced to begin earlier. There remains much to be accomplished, as the development of motor vehicles is still in advance of road improvement and construction. Therefore, the Federal Government should continue to lead the way until all of the States on this continent are bound together with a network of modern highways.

I have established, I think, the inestimable value of good roads from an agricultural, economic, industrial, and military standpoint. I have also shown that Federal aid has been directly responsible for the splendid results obtained in this country during the past 10 years. It has been demonstrated that, to be successful, there must be no weakening of the strong right arm of the Government in this matter, and that the work must be carried to a conclusion with Federal aid, direction, and encouragement. Now, let us consider the objections

which are being urged in some quarters to the continuance of the system. For this plan has its enemies, even in this enlightened day and age. We can not shut our eyes to that fact.

First, there is the constitutional objection. It was originally urged that the United States had no authority under our Constitution to build roadways in the several States or to aid in their construction. That argument has been completely dissipated. The provisions of our Constitution with reference to national powers are definite and clear. One clause in itself justifies this total expenditure of public funds—that which confers the power to build post roads. Everyone of these Federal-aid routes carries the mail, and it can safely be stated that there is not a mile in the entire system which is not a post road. Furthermore, such postal benefits are real and substantial, as I have shown, and adequately answer the constitutional objection which has been raised to the program.

Among other clauses in the Constitution which might properly be applied to this proposition, take, for example, that portion of Article I which authorizes Congress to provide "for the common defense and general welfare of the United States," practically the same language being contained in the preamble. What can be clearer than the fact that the construction of good roads is a wise measure of defense or that it promotes the general welfare? Take, again, the clause which delegates the power "to regulate commerce with foreign nations and among the several States." During the year 1925 the United States Supreme Court handed down three decisions all of which ruled against States which attempted to control commerce over interstate highways, the reason assigned being that such action contravened the commerce clause of our Constitution. The citations are as follows: Michigan Public Utilities Commission *v.* Duke (266 U. S. 571); A. J. Buck *v.* E. B. Kuykendall (267 U. S. 307); and George W. Bush & Sons Co. *v.* William M. Maloy and others, constituting the Public Service Commission of Maryland (267 U. S. 317). But enough has been said to show that Federal highway aid meets all constitutional requirements and that no valid objection can be made against the system on that ground.

A somewhat similar question is involved when it is suggested that this plan, which has been in operation for 10 years, conflicts with State rights. Again the matter of public policy is brought forward, and it is insisted that it is the right as well as the duty of a State to construct, maintain, and improve all the roads within its boundaries. For my part I have become convinced that this is a joint duty and that the matter is too far-reaching from every point of view to place full responsibility either upon the individual States or the Federal Government. If historical precedent is desired, I could quote Thomas Jefferson, the advocate of State rights, who on many occasions urged the use of public money to open roads, rivers, and canals. Or I could point to Alexander Hamilton, the Federalist, who characterized road building as an object well worthy of the national purse and who insisted that to provide roads and bridges was within the direct purview of the Constitution. I could summon as witnesses Henry Clay, John C. Calhoun, and that great expounder of the Constitution himself, Daniel Webster, all of whom, with broad vision and noble foresight, urged cooperative road building between the States and the Central Government.

Besides, as a practical matter, there has been no baneful coercion, no undue influence exerted by the Federal Government upon the States in the selection of highways or the actual performance of the work. I challenge those who object to the system on principle to cite any case of consequence where the State's prerogatives have been assailed or the will of the people thwarted. State highway officials are making no complaint. The bureau has gone about its work in a fair-minded, systematic manner, and there has been nothing capricious or arbitrary in its decisions. In other words, the intent and purpose of the act has been carried out. There has been full cooperation as to the roads selected and the construction work accomplished. Millions have been saved through cooperation and the interchange of practical information. The bureau has encouraged the establishment of testing laboratories in the various States, with the result that the number of States boasting such facilities has increased from 5 to 44 during the past nine years. Truly, both political parties were wise when they included in the national platforms of the last campaign definite pledges for the continuance of the policy of Federal aid.

Now, Mr. President, we come to an objection which I dislike to mention. I do not think it has been voiced on this floor. I hope not. But it has been bandied about in other places, of that we may be sure. Even high officials in a few eastern States have brought forward the argument, and some periodicals printed in the more populous sections of our country have taken up the hue and cry. Briefly, it is that some States are poor; others rich; some States contribute small amounts to the United States Treasury; others pay heavily toward the total sum of Federal expenses; and that it is therefore grossly unfair to tax the older, richer, more populous States for road construction in any other part of the Union. That is the argument, Mr. President, in a nutshell. That is all there is to it. Think of it. The opponents of State aid can not deny that the postal patron is immeasurably benefited; they can not gainsay that the military arm is strengthened in defense; they can not question that interstate commerce is facilitated; they do not contradict what has been said as to substantial benefits obtained by the farmer, the city dweller, the traveler, the manufacturer, and the consumer; in short, by all our citizens. They are forced to admit that all these worth-while results flow from Federal highway aid. All they say is that, notwithstanding these benefits, such appropriations should be forthwith abolished because Colorado, for example, with its expanse of territory, its virgin soil, its huge amount of public lands, its thousands of square miles of national forests and national parks, its potential, but not immediately available, wealth, does not pay as great a Federal tax as the smaller, older, and richer State of Maryland.

Parenthetically I may remark that for the year 1924 Colorado paid in Federal taxes a total of $15,228,037.25, whereas Federal highway aid extended to that State during the same year only amounted to $981,444.53, a ratio of about 16 to 1.

Possibly opponents of the plan may object to stating their argument so baldly. Yet what else can be the purpose of compiling and printing long tables which compare Federal income-tax payments in the several States as against the amount of Federal highway aid received by such States, or other tables showing total revenue payments in each State.

Let us examine this argument for a moment. Let us see how fairly these gentlemen present their case and what reasons they advance for their contention that the West and South are the recipients of special privilege at the expense of the northeastern section of the country. Much is made of the fact that huge income taxes are paid in the East. These tabulations are submitted by the opponents of State aid, and it is said that they afford an excellent basis of comparison, and that from the amount of such taxes paid in each State we can determine the contribution of its people to the expenses of the Federal Government and the proportion, I assume, in which that money should be doled back to the several States. Great emphasis is laid upon this fact—for it is a fact—that the bulk of Federal income taxes is paid in such States as New York and Pennsylvania. The former, for example, should be credited with 28.8 per cent of the total internal revenue collected by the United States, and 15 States in all apparently contribute over 80 per cent of the entire amount received from such sources. But those who advance this argument deliberately shut their eyes to what the Treasury Department itself says about these collections, which is as follows:

> The amounts do not represent, however, what may be called the geographical distribution of income. The figures are compiled from the returns filed in each State. An individual files his income tax return in the collection district in which his legal residence or principal place of business is located, and a corporation files its income tax return in the collection district in which its principal place of business or the principal office or agency is located. Consequently, income reported by an individual or corporation in one State may have been derived from sources in other States. From the foregoing it will be clear that there is no way of ascertaining from the income-tax returns the amount of income earned in the respective States or the amount of tax paid on that basis.

A few examples, in my opinion, completely demolish this argument that income-tax payments determine the amount of contributions made by each community to the Federal Treasury. Take the State of New York. If there is anything to the contention, certainly personal taxes should represent money earned or inherent wealth existing in the Commonwealth itself. Yet one of those personal-tax returns is in the sum of $7,000,000 paid by Mr. Rockefeller, and it seems to me, whatever opponents of State aid may think, that this consists of earnings collected from many sources in many States.

How about corporations which pay their income taxes in New York because their principal office is located there. Here are a few illustrations. The Union Pacific Railroad paid a year or so ago Federal income taxes amounting to $4,500,000, but the road does not earn one cent in that State. Its nearest operating points are half way across the continent, at Omaha, Nebr., and Kansas City, Kans. The Southern Pacific pays $5,000,000 or more in income taxes, but its nearest station is at New Orleans. The United States Steel Corporation pays its tax in New York, but only two of its 145 plants and warehouses are

situated in that State, and its 153,000 stockholders are scattered throughout every State of the Union. There are many other business concerns which make similar payments, and according to those who oppose Federal highway aid such companies can properly claim to be contributing New York money from New York resources to the United States Government. Here are a few names, taken at random from the list. I withhold comment. Senators may judge for themselves as to the fairness of the argument: American Railway Express, American Beet Sugar Co., American Smelting & Refining Co., American Telephone & Telegraph Co., American Tobacco Co., National Biscuit Co., Postum Cereal Co., Sinclair Consolidated Oil Corporation, Utah Copper Co., the Woolworth Co., and the Western Union Telegraph Co.

Why do those who oppose State aid, honest as their intentions are, persist in deceiving themselves and the public? The nub of the matter, the real explanation is, of course, that the natural resources of other States—the mines of Colorado, the oil wells of Wyoming, the wheat fields of Iowa, the cotton plantations of Georgia, the cattle of Idaho, in short the natural and manufactured products of every State—make up, to a large extent, the income tax which the New York man or the New York corporation pays to the United States Government.

Those who advance this fallacious argument go a step further and speak sneeringly of States which are willing to be "subsidized" by the Federal Government. That is what they call this aid—a subsidy. Of course, there is no case on record of any State refusing to accept its proportion of Federal highway aid when available, no matter how wealthy that State might be nor how wrong, in principle, its officials might consider the system; but nevertheless it is insisted that Southern and Western States, these recipients of "special privilege," if you please, are insisting on a wicked subsidy from the Federal Government.

I must remind Senators that, for many other purposes not as useful as good roads, not as universally beneficial in their results, Federal aid has been extended to the States or to certain sections of the country, with little or no protest on the part of those who derive no benefit therefrom. For example, take our annual river and harbor appropriations, including flood control. For the period of 10 years from 1916 to 1925, inclusive—the same length of time during which highway aid has been extended to the States—such river and harbor appropriations have totaled $454,000,000 for expenditure in a limited number of States; whereas the appropriations for good roads, amounting to $540,000,000, were distributed over the entire 48 States of the Union.

I am willing to admit that improvement in our national commerce aids the whole country and therefore the State which I represent, in part, in this body. Yet not one cent for river and harbor work is expended in Colorado, which does not have a single navigable stream within its boundaries or on its borders and is a thousand miles away from the nearest harbor. But good-roads opponents exclaim: "That is entirely different. There is no relation between these measures." On my part I fail to see any difference in principle, and, so far as actual benefits to the public are concerned, any comparison is decidedly in favor of the good-roads program. As to the system itself, there is this distinction, that Federal-aid roads are built on a 50-50 basis, whereas river and harbor work is often done entirely at the expense of the Federal Government. Our opponents can derive little aid or comfort out of that, for again the comparison is in favor of good roads.

Take, again, one single project, which is not included in the above figures. I refer to the Panama Canal, an undertaking which originally cost $379,000,000, much more than half our total Federal-highway expenditures to date. Incidentally the maintenance cost runs over half a million dollars each year. The canal has reduced transportation charges from coast to coast, but it has not helped the rate situation in the Middle West. In fact, it has had the contrary effect and, by reason of the extremely low water rate from the East, has closed Pacific coast markets to many commodities formerly shipped from Colorado, Nebraska, and other States similarly situated. That is a story in itself, which I have discussed in more detail in connection with another legislative proposal, the Gooding long and short haul bill. The point I am now making is that Eastern States, which are now reaping rich benefits because of the shipment of their commodities through the Panama Canal, should be the last to complain about Federal aid to another means of transportation which benefits not only the West and the South, but also the entire country.

But why add illustration upon illustration? The West does not begrudge Federal appropriations for river and harbor improvements or for similar purposes. Doubt has occasionally been expressed as to the practical benefits flowing from certain specific projects, but when the public need is once disclosed western representatives are among the first to approve such expenditures. All we ask, Mr. President, is that States which have themselves received such bounties for lo, these many years, which have grown rich through the development of their natural resources made possible by rivers and harbors and railroads, and through the contributions of the people of all the States, should view our present requirements in the same broad-minded manner and that they should give some heed to the need for a comprehensive highway system throughout the entire country.

At this time in our history, after so much has been accomplished with Federal aid in certain sections of the country, it will hardly do for representatives of those sections to raise pious hands in holy horror at the granting of an alleged subsidy which will be of immeasurable value in the development of natural resources in other portions of our great land.

Mr. President, it should not be necessary for me to state that this is not a sectional question in any sense of the word and that I am not pleading for the West or South as against the East. Neither am I pleading for national rights as against State rights. There is no real question of sectionalism or sovereign rights involved in this issue. To forget State lines in matters of this kind is not only good statesmanship; it is also good business. All must prosper or the whole Nation suffers. That which aids conditions in the agricultural, stock-raising, or mining sections brings increased business to the manufacturing and shipping centers. Factional strife, petty jealousies, and internal discord destroy public confidence in all industrial and agricultural pursuits and spell decay instead of progress.

In this connection, Mr. President, I desire to quote the words of Calvin Coolidge, our great national leader, the apostle of economy:

> No expenditure of public money contributes so much to the national wealth as for building good roads. Highways and reforestation should continue to have the interest and support of the Government.

I ask Senators to consider this country as a whole, to picture to themselves the ever-growing importance of good roads, to visualize our enormous highway needs during the next 10 years, to view this question with the same fairness and broad-mindedness which they have displayed on other issues, and to help in building, for the immediate future, a greater, better, and more glorious United States of America.

Mr. COPELAND. Mr. President, the able Senator from Colorado has made a splendid presentation of the cause of good roads. He has made some references to New York and to the payment of taxes contributed by it. Representing in part that State, I wish to say that my opposition to the good-roads project is on higher ground than the taxes paid and contributed by my State. The Senator from Colorado has really argued that these taxes come from Colorado, from North Carolina, from Nevada, and other States, but the fact remains that about $20,000,000 of the $75,000,000 expended on the good-roads project will be paid by New York. I want to put my opposition, however, on higher ground than the payment of money.

The only excuse that Congress has for the appropriation of money for roads is that clause in the Constitution which gives Congress the power to establish post roads.

Mr. PHIPPS. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. PHIPPS. I endeavored to point out another very clear clause in the Constitution justifying appropriations for good roads—the public-welfare clause.

Mr. COPELAND. But when we talk about the public-welfare clause we are referring to something that has to do with taxation directly, are we not? The general-welfare clause relates to the limitation of the taxing power only, as I understand it.

There was a very interesting discussion and debate in the Constitutional Convention over the question of the addition of the power to establish post roads. The original Congress had power to establish post offices but no reference was made to post roads. When the matter came up in the Constitutional Convention on motion the power to establish post roads was added to the power of Congress to establish post offices; and Doctor Franklin proposed a further amendment, that canals also be added, but the convention smote him hip and thigh. They said, "That is not a proper use of Federal money, because a canal would confer a local benefit."

I am willing to concede that the good-roads project is a perfectly legitimate, lawful undertaking if it provides honestly for a post road, for a through road. I can understand how the direct roads that pass through Colorado and connect the eastern section of the country with the Pacific coast by a direct

route through Colorado are post roads in the sense of the Constitution, and such roads certainly have great military value; but when we talk about the other roads, lateral roads, connecting roads, as being post roads, I think we are going far afield.

I wish to read one quotation from John Randolph Tucker in his work on the Constitution, where he says:

> If there were no roads, they being absolutely necessary to the transmission of mail matter, to make a road under such circumstances would be a fair exercise of power, but to make a road for other purposes and with other intent than for postal purposes under cover of this power would be neither necessary nor proper, but a fraud on the Constitution.

So I have very serious question about the right of Congress to appropriate the large sums which are used by the States for the construction of lateral roads.

In that connection I believe with the President—and the Senator from Colorado has quoted from the President—that these appropriations which are given to the States on a 50-50 basis in many instances lead to extravagances and to local and State taxation which the locality and the State can ill afford to carry.

We are having an enormous increase of taxation in the cities and in the States; taxation there is on the increase all the time, while the Federal taxation, fortunately, is decreasing somewhat by reason of the economies exercised by Congress. However, these are things which we can not afford to disregard, and they have a very important bearing on the question at issue.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Colorado.

Mr. PHIPPS. With reference to the roads being post roads, I have stated that every mile is used for the purpose of a post road, and I believe that to be literally true. Seven per cent of the length of the roads within the States in the year 1921 is the utmost percentage which can be built with Federal aid. The roads are divided into two classes, primary and secondary. The primary roads must connect with roads of other States as interstate roads. The secondary roads will all eventually connect with the roads from adjoining States, but in the meantime they must connect with the larger communities, the county seats.

As to the clause of the Constitution to which reference was made, I cited the public-welfare clause. That clause, however, is broader than I indicated. It is, to be exact—

> to provide for the common defense, promote the general welfare—

Which is a very broad term.

Are the harbors of the United States improved for the general welfare and the public defense? We make no question when we appropriate for rivers and harbors, for the improvement of which the States, as a rule, do not contribute.

Mr. COPELAND. We do that under a different clause of the Constitution, under the clause giving Congress the power to regulate commerce among the several States.

Mr. PHIPPS. That same clause is quite as applicable to the construction of roads. The Senator must be aware that the interchange of traffic over the through highways has become so great as to make it expedient for the railroads to discontinue some of their trains. In the Post Office Service it is becoming necessary to provide for the hauling of the mails by motor busses in place of the facilities heretofore furnished by the railways, because the railway companies can not keep up their passenger service; they have lost their business to motor trucks and to busses, and there is a great interchange of business already. It is a growing thing; and, as I have stated, it is not only interstate; it is transcontinental. The Senator this summer can buy a ticket from New York and travel by motor bus all the way to Los Angeles or San Francisco and land there, and if he is not satisfied he can go up to Seattle, in Washington.

Mr. COPELAND. Mr. President, the ticket I want to buy is from Washington to Suffern, N. Y. That is the one I want to buy just as soon as possible; but when the Senator makes reference to these lateral lines, and argues that under that post-road clause money can be appropriated, the Senator might just as well say that the Government can build a sidewalk from my front gate up to the front door because the postman uses it. That is not what the founders expected to have done.

I should like to say to the Senator from Colorado and others who are interested in this very worthy project that I believe there should be laid out a plan covering the next 10 years, perhaps, with a well-defined purpose on the part of Congress to build certain through routes which are interstate, which are transcontinental, and expend the money in the construction of those roads. I know what happens in my State: After paying twenty millions for this project we get back five millions. We take that money and appropriate an equal amount of money on the part of the State, and then roads are built. To do our share we issue bonds that extend over a period of 25 or 30 years. We build a road that wears out in 10 years. That road will be reconstructed two or three times before the first set of bonds has been taken care of. The plan leads to extravagances, and in my judgment the whole project of issuing tax-exempt bonds leads to extravagances on the part of localities and States.

So, while there are many advantages, which have been so well presented—and I never heard them better presented than they were by the Senator from Colorado to-day—yet, at the same time, there are evils also which attach to this thing. Before this bill is finally enacted into law I should like to see some plan worked out by which we would know that during the next 10 years there is going to be an appropriation of money for road building where there is continuity, crossing the various States and crossing the continent, so that we may know that we have made a proper use of Federal funds in the building of good roads. Then I will heartily support everything the Senator says about health and about convenience and about military protection and about all the other things.

Mr. OVERMAN. Mr. President, I will ask the Senator to yield to me. I am heartily in sympathy with the Senator in the great speech he has made on this subject; but can the Senator inform us whether there is going to be any legislation on this subject this year?

Mr. PHIPPS. The bill is now before our Committee on Post Offices and Post Roads. It has passed the House. It is the authorization for the fiscal years 1928 and 1929.

Mr. OVERMAN. I understand that; and the Senator's committee is going to report it out?

Mr. PHIPPS. The committee expects to meet for that purpose on next Tuesday. I imagine it will follow what has been done before.

Mr. OVERMAN. Is there any indication that the bill will not pass at this session—that it is not on the program? Has the Senator heard anything of that sort?

Mr. PHIPPS. No; I do not think so. I do not know any reason why it should not pass.

Mr. OVERMAN. I see in the papers the statement that certain measures are not going to pass at this session.

Mr. PHIPPS. But the authorization should be made, and the Congress will have until 1927, at least, to determine whether or not it wants to spend the money.

Mr. OVERMAN. The Senator will not report the bill in time for our Appropriations Committee to make the appropriation?

Mr. PHIPPS. The appropriation for the fiscal year 1927 has been made.

Mr. OVERMAN. I thought the authorization had expired and it was necessary to have an appropriation.

Mr. PHIPPS. No; this is the authorization, so that the Budget may include it in their program for 1928 and 1929.

Mr. OVERMAN. I hope that is so. If there is an authorization now existing, I hope our committee will take it up and make the appropriation; but I understand it is not on the program.

Mr. PHIPPS. Provision has already been made for the coming fiscal year, I will say to the Senator.

Mr. KING. Mr. President, the appropriation bill, as I recall, carries $75,000,000 for the next fiscal year. We have already passed it.

Mr. PHIPPS. That is correct.

Mr. President, while I am on my feet, if I may have the attention of the Senator from New York, I want to say that, not wanting to burden the Senate with too long an argument on this subject, I made no reference to the benefits that flow from the development of these roads, what it means to States like Pennsylvania and Michigan and New York in the manufacture of automobiles and appurtenances, and all of that, and the general impetus that it has given to business, the general increase in business that has occurred all over the country due to the coming of the automobile, which it has only been possible to develop through the building of good roads.

Mr. COPELAND. Mr. President, in reply to the Senator, I desire to say that I am in the heartiest accord with him in this particular matter. If I had my way, I would build a nice, comfortable house, painted white, with green blinds, and with green grass all around it, so that every family in this country could have a beautiful home and so that every baby would be

born in a decent place, but, unfortunately, we can not do that under the law.

Mr. KING. The Senator is thinking of heaven.

Mr. PHIPPS. When the Senator can do it for himself and put that beautiful structure on wheels I hope he will head directly for Colorado and the Rocky Mountains.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order will be entered.

SUSQUEHANNA RIVER BRIDGE

Mr. BINGHAM. Out of order, I ask unanimous consent to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the report will be received.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment House bill 3794, granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa., and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in section 1, page 2, line 3, after the word "act," to strike out:

The construction of such bridge shall not be commenced, nor shall any alteration in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge or for the alteration in the plans thereof have been submitted to the Secretary of War and Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was read the third time and passed.

PUEBLO INDIAN LANDS

Mr. BRATTON. I ask unanimous consent, out of order, to report a bill from the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. BRATTON. From the Committee on Indian Affairs I report back favorably with amendments Senate bill 3953, to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; and I submit a report (No. 716) thereon.

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent for the immediate consideration of that bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 8, before the words "in charge," to strike out "agent" and insert "officer"; in the same line, after the word "charge," to insert "for the benefit"; and on page 2, line 6, after the name "New Mexico," to insert a colon and the following proviso: "*Provided also*, That notice of each suit shall at time of filing be served upon the superintendent or other officer in charge of the particular pueblo where the land is situated," so as to make the bill read:

Be it enacted, etc., That lands of the Pueblo Indians of New Mexico, the Indian title to which has not been extinguished, may be condemned for any public purpose and for any purpose for which lands may be condemned under the laws of the State of New Mexico, and the money awarded as damages shall be paid to the superintendent or officer in charge for the benefit of the particular tribe, community, or pueblo holding title to same: *Provided, however*, That the Federal courts of said State of the district within which such lands are located shall have and retain jurisdiction of all proceedings for the condemnation of such lands, and shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the said State of New Mexico: *Provided also*, That notice of each suit shall at time of filing be served upon the superintendent or other officer in charge of the particular pueblo where the land is situated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT ASSOCIATION OF THE INTERNATIONAL ROAD CONGRESSES

Mr. PHIPPS. Mr. President, a day or two ago we had under consideration Senate Joint Resolution No. 62, authorizing this country to join the Permanent Association of the International Road Congresses. Some objection was made at that time on account of the expense that might be involved. I have prepared an amendment limiting to three the number of delegates that may go to any convention at the expense of the Government, and I understand that with that amendment the objection has been removed.

Mr. KING. Is that for an international junket for some persons?

Mr. PHIPPS. Not necessarily. It is hoped to have them meet in the United States the next time. They meet only every two or three years.

The VICE PRESIDENT. Does the Senator ask unanimous consent for the present consideration of the joint resolution?

Mr. PHIPPS. I do.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 62) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Colorado proposes, on lines 6 and 7, to strike out the words "by the maximum number of delegates allowable" and to insert "by three delegates," so as to make the joint resolution read:

Resolved, etc., That the Secretary of Agriculture is authorized and directed to accept membership in the Permanent Association of International Road Congresses and that the United States be represented in that congress by three delegates, and that the Secretary of Agriculture is authorized to expend annually, out of the administrative fund provided by section 21 of the Federal highway act of 1921, the sums necessary to cover the membership fees and such other expenses as may be necessary in maintaining membership in said association.

The amendment was agreed to.

Mr. KING. Mr. President, I desire to ask how much of an appropriation is called for.

Mr. PHIPPS. The joint resolution authorizes the appropriation of $3,000 for the expense of joining. The other amounts would have to be appropriated by the Appropriations Committee from time to time. The State Department would ask authority each time to send delegates. Under the joint resolution the number that may be sent is limited to three. The joint resolution goes to the House after it passes here, of course.

Mr. KING. Is the admission fee $3,000?

Mr. PHIPPS. I think $3,000 will much more than cover it, because it is to be paid in French francs. If we do it quickly it will be reasonably cheap.

Mr. KING. Mr. President, if we should join the League of Nations we would not have to be joining all such organizations and sending representatives to them.

Mr. PHIPPS. It is a question as to whether we will take it all in one dose or take it in small installments.

Mr. KING. We are getting homeopathic doses. We ought to take an allopathic dose.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to further amendment. If there be no further amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

Mr. JONES of Washington. I ask unanimous consent to call up the conference report on the bill relating to the Rock Creek and Potomac Parkway Commission.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved

March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, having met, after full and free conference have been unable to agree.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.
F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOMAS L. BLANTON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. KING. Mr. President, I move that the Senate recede from the amendment to the House bill; and I desire to say just a word.

The merits of this bill no one can deny. It has received very serious and earnest attention at the hands of the Committee on the District of Columbia. A number of us went over the ground very carefully and reached the conclusion that the various tracts of land referred to in the bill ought to be acquired by the District in order to round out and complete the park plan which had theretofore been entered upon. The only question is as to the distribution or allocation of the amount required to pay for the land.

The Senator from Colorado [Mr. PHIPPS] had one view, which we accepted. The House, or at least the conferees of the House—and I think I betray no confidence in making that statement—absolutely refused to accept the amendment which was made by the Senate. It means that if we do not recede, the bill will fail; and it is too important a bill to fail.

I hope, therefore, that the motion I have made will prevail; because while the bill may not suit everybody, it is the best that can be had under all the circumstances.

Mr. PHIPPS. Mr. President, as the Senator from Utah has said, I was personally interested and active in the handling of this measure. I felt it was only just to the District of Columbia that the Federal Government should pay one-half of the cost of the property to be acquired. As a matter of fact, when a recommendation came from the chairman of the National Park Commission—that may not have been the exact designating name at the time the recommendation was sent, but it was the Secretary of the Treasury of the United States, Mr. Mellon—it was that the moneys be paid out of the Federal Treasury, and not at all out of money of the District of Columbia.

When the matter was first suggested it was stated that it was not in conflict with the financial program, but later on I believe it was stated that unless the money were taken out of District funds the purchase should not be made.

The $600,000 taken out of the District free balance exhausts it. It leaves the District without funds to purchase other desirable park properties. I, for one, feel that the bill, as it passed the Senate, was proper, that the conditions were fair and reasonable when it was adopted by the Senate on the 50-50 basis.

I realize that the conferees on the part of the Senate have exerted their best efforts; they have gone to the utmost limit to secure consent of the Representatives of the House, and have found that impossible. They are probably justified in saying that the attitude of the House is adamant, that it can not be changed, and I do not feel that I should stand in the way of the acquisition of that property. I think it is too important to run the risk of having it go into private hands, where it would be developed and improved to such an extent that it might not remain available for acquisition later. So, I shall make no objection to agreeing to the conference report.

Mr. COPELAND. Mr. President, I think it is utterly unfair that the District should be called upon to make this entire payment. It is a thing which should be divided between the Federal Government and the District. That was presented to the District Committee very strongly by the Senator from Colorado [Mr. PHIPPS]. But in view of his attitude and that of others upon the conference committee, I shall interpose no objection.

Mr. JONES of Washington. Mr. President, this money comes out of a fund created under the 50-50 basis, and I am in hearty accord with the views of the Senator from Colorado and the Senator from New York. But the House conferees were adamant in the matter, and I am satisfied that it would be useless for the Senate to insist further upon its amendment. So, as far as I am concerned, I will accede to the motion of the Senator from Utah.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah [Mr. KING] that the Senate recede from its amendment to the House bill.

The motion was agreed to.

DUPLICATE CHECK TO STATE TREASURER OF OHIO

Mr. FESS. Mr. President, I ask unanimous consent to call up Senate bill 2741, a bill for the relief of the State of Ohio. This is a measure covering a case where a check to be sent to the State of Ohio was placed in the mail, but never was delivered. It is the desire of the department to issue a duplicate check.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check No. 966745, drawn October 1, 1923, in favor of "State treasurer of Ohio" for $29,812.78 and lost, stolen, or miscarried in the mails.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. JONES of Washington. I ask that the unanimous-consent order may be carried out and that the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon, under the order previously made, the Senate (at 4 o'clock and 48 minutes p. m.) took a recess until to-morrow, Friday, April 30, 1926, at 12 o'clock m.

HOUSE OF REPRESENTATIVES

THURSDAY, *April 29, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Shepherd of our souls, grant us an abundant measure of Thy liberating peace. We would listen for Thy voice. May it whisper acceptance, assurance, and forgiveness. Make a way for our escape from all temptation, evil desire, and morbid fear. Either shield us from affliction or give us unfailing strength to bear it. May we be mindful that Thou hast dignified us with the power of choice, and for our acts we are responsible in Thy sight. As we sow, so shall we reap. The harvest of to-morrow will be the product of the seed sown to-day. O Lord, help us to sow good seed, that the harvest may be the fruits of joy, peace, obedience, wisdom, and good will. Thus Thy name shall be magnified in human hearts and Thy kingdom hastened throughout the earth. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Speaker, I call up the conference report on the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up a conference report on the agricultural appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: